

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 11-05 (As Amended)

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 11-05 Date February 8, 2011

AN ACT to add new definition "lot coverage" and to repeal and reenact, with amendments, the definitions of "Critical Area", "Critical Area buffer", "development activities", "forest interior dwelling birds", "habitat protection area", "hydrophytic vegetation", "project approval" and "structure", all of Section 267-4, Definitions, of Article I, General Provisions; and to repeal and reenact, with amendments, Section 267-63, Chesapeake Bay Critical Area Overlay District, of Article VII, District Regulations, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to add the definition of "lot coverage; to provide for clarification of the definitions of "Critical Area", "Critical Area buffer", "development activities", "forest interior dwelling birds", "habitat protection area", "hydrophytic vegetation", "project approval" and "structure"; to provide for an update to the County's Chesapeake Bay Critical Area Overlay District as mandated by the State and the Critical Area Commission; and generally relating to the Chesapeake Bay Critical Area Overlay District.

By the Council, February 8, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: March 8, 2011 Due to failure of the Aegis to advertise,
the Public Hearing is rescheduled to March 15, 2011

at: 7:00 p.m.

By Order: Mary Kate Huebry, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 15, 2011, and concluded on March 15, 2011.

Mary Kate Huebry, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that new definition "lot coverage" be, and it is hereby, added, and that the definitions of "Critical Area", "Critical Area buffer", "development activities", "forest interior dwelling birds", "habitat protection area", "hydrophytic vegetation", "project approval" and "structure" be, and they are hereby, repealed and reenacted, with amendments, all of Section 267-4, Definitions, of Article I, General Provisions, and that Section 267-63, Chesapeake Bay Critical Area Overlay District, of Article VII, District Regulations, be, and it is hereby, repealed and reenacted, with amendments, all of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, all to read as follows:

Chapter 267. Zoning

Part 1. Standards

Article I. General Provisions

§ 267-4. Definitions.

As used in this part, the following terms shall have the meanings indicated:

CRITICAL AREA - All lands and waters designated on the overlay maps to the Official Zoning Map of Harford County as intensely developed areas, limited development areas or resource conservation areas, pursuant to the Maryland Annotated Code, Natural Resources Article, § 8-[1807(c).] 1802. DEFINED TERMS SET FORTH IN COMAR 27.01.01.01.01, AS THE SAME IS AMENDED FROM TIME TO TIME, SHALL APPLY TO HARFORD COUNTY'S CRITICAL AREA AND, IF NOT SPECIFICALLY DEFINED HEREIN, SHALL HAVE THE MEANINGS SET FORTH IN COMAR 27.01.01.01.01.

CRITICAL AREA BUFFER - [A naturally vegetated area or vegetated area established or managed in accordance with COMAR 14.15.09 to protect aquatic, wetland, shoreline and terrestrial environments from man-made disturbances.]

A. AN AREA THAT:

- (1) BASED ON CONDITIONS PRESENT AT THE TIME OF DEVELOPMENT, IS IMMEDIATELY LANDWARD FROM MEAN HIGH WATER OF TIDAL

WATERS, THE EDGE OF BANK OF A TRIBUTARY STREAM OR THE EDGE
OF A TIDAL WETLAND; AND

- (2) EXISTS OR MAY BE ESTABLISHED IN NATURAL VEGETATION TO
PROTECT A STREAM, TIDAL WETLAND, TIDAL WATERS OR TERRESTRIAL
ENVIRONMENT FROM HUMAN DISTURBANCE.

B. "BUFFER" INCLUDES AN AREA OF:

- (1) AT LEAST 100 FEET, EVEN IF THAT AREA WAS PREVIOUSLY DISTURBED
BY HUMAN ACTIVITY; AND

- (2) EXPANSION FOR CONTIGUOUS AREAS, INCLUDING A STEEP SLOPE,
HYDRIC SOIL, HIGHLY ERODIBLE SOIL, NONTIDAL WETLAND OR A
NONTIDAL WETLAND OF SPECIAL STATE CONCERN AS DEFINED IN
COMAR 26.23.01.01.

DEVELOPMENT ACTIVITIES - The construction or substantial alteration of residential,
commercial, industrial, institutional, transportation or utility facilities or structures. IN THE
CRITICAL AREA, MEANS HUMAN ACTIVITY THAT RESULTS IN DISTURBANCE TO
LAND, NATURAL VEGETATION OR A STRUCTURE.

FOREST INTERIOR DWELLING BIRDS - The species of birds identified by the Maryland
[Forest, Park and Wildlife Service] DEPARTMENT OF NATURAL RESOURCES, that require
relatively large forested tracts in order to breed successfully, such as various species of flycatchers,
hawks, owls, warblers, vireos and woodpeckers.

HABITAT PROTECTION AREA – AN AREA THAT IS DESIGNATED FOR PROTECTION:

- A. UNDER THE MARYLAND ANNOTATED CODE, NATURAL RESOURCES ARTICLE, §
8-1806, REGULATIONS ADOPTED UNDER THAT AUTHORITY OR A LOCAL
PROGRAM; OR
- B. BY THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES.

IT INCLUDES ANY [Any] existing area of open water, tidal or nontidal wetland, stream or river channel, stream or river bank or upland area of any type and size, including a reasonable protective area, within Harford County's Chesapeake Bay Critical Area which has been determined to be of significant natural value because it contains at least 1 of the following:

- A. A buffer area adjacent to tidal waters, tidal wetlands or tributary streams.
- B. Nontidal wetlands.
- C. The habitat of a species of plant or animal listed by state or federal authorities as endangered, threatened or in need of conservation or a designated natural heritage area.
- D. A plant or wildlife habitat which is determined to be of local significance.
- E. A forest interior dwelling bird habitat.
- F. A colonial water bird nesting habitat.
- G. A habitat for the feeding, resting or grouping of wintering and migrating waterfowl species.
- H. Anadromous fish propagation waters.

HYDROPHYTIC VEGETATION - Those plants cited in [v]"Vascular [p]Plant [s]Species [o]Occurring in Maryland [w]Wetlands" (Dawson and Burke 1985), which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

LOT COVERAGE – THE PERCENTAGE OF A TOTAL LOT OR PARCEL THAT IS:

- A. OCCUPIED BY A STRUCTURE, ACCESSORY STRUCTURE, PARKING AREA, DRIVEWAY, WALKWAY OR ROADWAY;
- B. COVERED WITH GRAVEL, STONE, SHELL, IMPERMEABLE DECKING, A PAVER, PERMEABLE PAVEMENT OR ANY MANMADE MATERIAL; OR
- C. COVERED OR OCCUPIED BY A STAIRWAY OR IMPERMEABLE DECK.

LOT COVERAGE DOES NOT INCLUDE:

- A. A FENCE OR WALL THAT IS LESS THAN 1 FOOT IN WIDTH THAT HAS NOT BEEN CONSTRUCTED WITH A FOOTER;

B. A WALKWAY IN THE BUFFER OR EXPANDED BUFFER, INCLUDING A STAIRWAY,
THAT PROVIDES DIRECT ACCESS TO A COMMUNITY OR PRIVATE PIER;

C. A WOOD MULCH PATHWAY; OR

D. A DECK WITH GAPS TO ALLOW WATER TO PASS.

PROJECT APPROVAL - The approval of development activities, other than developments undertaken by a state or local government agency, in the Chesapeake Bay Critical Area by the Harford County Department of Planning and Zoning or other approving agency of Harford County. The term includes approval of subdivision plans, plats and site plans; mapping of areas under floating zone or overlay zone provisions; the issuance of variances, special exceptions; and the issuance of other zoning-related approvals. **PROJECT APPROVAL DOES NOT INCLUDE BUILDING PERMITS.**

STRUCTURE - Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, sheds, swimming pools, tennis courts, gazebos, decks and boathouses. **IN THE CRITICAL AREA, STRUCTURE MEANS BUILDING MATERIALS THAT ARE PURPOSELY JOINED TOGETHER ON OR OVER LAND OR WATER, INCLUDING THOSE THAT DO NOT RESULT IN LOT COVERAGE, PER COMAR 27.01.09.01B(17).**

Article VII. District Regulations

§ 267-63. Chesapeake Bay Critical Area Overlay District.

A. Purpose and intent. The State of Maryland has recognized the Chesapeake Bay as an estuarine system of great importance to the state and to the nation as a whole. As such, it has enacted the Chesapeake Bay Critical Area Act (Chapter 794, Laws of 1984, as amended) and the Chesapeake Bay Critical Area Program development criteria pursuant to that Act, which require that local jurisdictions implement a management and resource protection program for those areas within 1,000 feet of tidal waters and tidal wetlands and any additional areas that A local jurisdiction deems important to carry out the purpose of the Act. Harford County also recognizes the importance of protecting the resources of the Chesapeake Bay and hereby

establishes that the goals of this management program are to:

- (1) Minimize adverse impacts on water quality resulting from sedimentation and stormwater runoff from development in the coastal areas of the County.
- (2) Conserve fish, wildlife and plant habitat.
- (3) Maintain and, if possible, increase the amount of forested area in the County's coastal areas because of its benefits to water quality and plant and wildlife habitat.
- (4) Minimize the adverse secondary impacts of development occurring in the coastal areas of the County.
- (5) Monitor and control development in the County's Critical Area so that the natural resources of the Chesapeake Bay, its tidal tributaries and their [shoreland] SHORELINE areas will be protected and preserved for future generations.

B. Creation. In order to carry out the provisions of this resource protection and management program, a Critical Area Overlay District is hereby established, in conjunction with existing zoning regulations and districts, which shall apply to all development and redevelopment within the County's Critical Area. The regulations of the overlay district are intended to foster environmentally sensitive development within the County's Critical Area by setting forth standards requiring the minimization of adverse impacts on water quality and protection of the natural plant, fish and wildlife habitats in the County's Chesapeake Bay Critical Area. The management program developed for land areas lying within the overlay district shall be the County's Master Plan for such areas.

C. Application. The requirements of the Critical Area Overlay District shall apply to all areas shown on each Zoning Map overlay, to include, at a minimum, all areas within 1,000 feet of tidal waters and state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, and such additional areas as designated to meet the purpose of the district. The overlay district as shown on each Zoning Map overlay is further divided into 3 separate land use management categories for the purposes of planning, regulating and

1 monitoring the type and intensity of land use development and redevelopment activities
2 occurring within the County's Critical Area. The 3 land use management categories are as
3 follows:

- 4 (1) Intensely developed areas (IDA).
- 5 (2) Limited development areas (LDA).
- 6 (3) Resource conservation areas (RCA).

7 D. Soil types. Soil types in Harford County's Critical Area with development constraints are set
8 forth in Table 63-1.

9 E. Prohibited uses.

10 (1) The following uses shall be prohibited within this overlay district:

- 11 (a) New or expanded sanitary landfills and rubble landfills.
- 12 (b) New or expanded solid or hazardous waste collection or disposal facilities.
- 13 (c) New storage tanks for vehicle fuels on residential lots.

14 (2) CERTAIN NEW DEVELOPMENT, OR REDEVELOPMENT ACTIVITIES OR
15 FACILITIES, BECAUSE OF THEIR INTRINSIC NATURE, OR BECAUSE OF
16 THEIR POTENTIAL FOR ADVERSELY AFFECTING HABITATS OR WATER
17 QUALITY, MAY NOT BE PERMITTED IN THE CRITICAL AREA EXCEPT IN
18 INTENSELY DEVELOPED AREAS AND ONLY AFTER THE ACTIVITY OR
19 FACILITY HAS DEMONSTRATED TO ALL APPROPRIATE LOCAL AND
20 STATE PERMITTING AGENCIES THAT THERE WILL BE A NET
21 IMPROVEMENT IN WATER QUALITY TO THE ADJACENT BODY OF WATER.
22 THESE ACTIVITIES INCLUDE THE FOLLOWING:

- 23 (A) NONMARITIME HEAVY INDUSTRY;
- 24 (B) TRANSPORTATION FACILITIES AND UTILITY TRANSMISSION
25 FACILITIES, EXCEPT THOSE NECESSARY TO SERVE PERMITTED
26 USES, OR WHERE REGIONAL OR INTERSTATE FACILITIES MUST

CROSS TIDAL WATERS (UTILITY TRANSMISSION FACILITIES DO
NOT INCLUDE POWER PLANTS); OR

(C) PERMANENT SLUDGE HANDLING, STORAGE AND DISPOSAL
FACILITIES, OTHER THAN THOSE ASSOCIATED WITH
WASTEWATER TREATMENT FACILITIES. HOWEVER,
AGRICULTURAL OR HORTICULTURAL USE OF SLUDGE UNDER
APPROPRIATE APPROVALS WHEN APPLIED BY AN APPROVED
METHOD AT APPROVED APPLICATION RATES MAY BE PERMITTED
IN THE CRITICAL AREA, EXCEPT IN THE 100-FOOT BUFFER.

[(2)](3) All existing facilities of these types shall be operated in conformance with all
applicable County, state and federal regulations.

F. Regulation of uses in the Critical Area Overlay District.

(1) Existing zoning. Unless otherwise specified in this section, the rights and limitations
pertaining to the use of the land as specified in this Zoning Code shall remain in effect,
subject to compliance with any additional requirements of this section.

(2) This section supplements existing County zoning and other regulations governing
development in the Critical Area and is superimposed upon all existing zones and land
use activity specified in this section. All development or redevelopment activity must
conform to the existing zoning regulations, to the development regulations specified in
the Subdivision Regulations and to the special conditions and regulations set forth in
this section. In the event of conflicts between existing zoning regulations, subdivision
regulations and other overlay district regulations and this section, the more restrictive
provision shall apply.

(3) Development activities. Permitted development activities are regulated in accordance
with § 267-63 (Chesapeake Bay Critical Area Overlay District) and the following
standards for the specific management area categories within which such activities are

proposed:

(a) Intensely developed areas (IDA).

[1] Pollutant loadings associated with new development or redevelopment in an IDA shall be reduced by a minimum of 10% from predevelopment levels through the use of on-site stormwater management/best management practices or similar measures located off site within the same watershed and within the Critical Area. Stormwater management/best management practice sites will only be considered outside of the Critical Area and outside of the same watershed if the County Department of Planning and Zoning determines that no feasible alternative within the Critical Area can be provided. The procedures contained in the technical report entitled "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix [C] B of the Harford County Chesapeake Bay Critical Area Management Program, as amended) shall be used to determine the amount of reduction required and what specific measures are needed to meet this ~~requirement.~~ REQUIREMENT, EXCEPT WHERE ENVIRONMENTAL SITE DESIGN PRACTICES AS PERMITTED UNDER STORM WATER MANAGEMENT LAWS AND REGULATIONS PROVIDE FOR GREATER WATER QUALITY PROTECTION.

[2] Pollutant loadings associated with RESIDENTIAL construction outside of the Critical Area buffer, INCLUDING [of] accessory structures and minor additions that disturb greater than 250 square feet and result in the permanent construction of an impervious surface area greater than 250 square feet, [on residential lots of record as of 12/31/85] in the

IDA, shall be mitigated by the use of stormwater management/best management practices (BMPs) as specified in Appendix [C] B of the Harford County Chesapeake Bay Critical Area Management Program, as amended, and/or through the use of additional landscaping plantings on that lot or parcel. If the cumulative total square footage exceeds 250 square feet, then mitigation must be provided for that area above 250 square feet.

[a] BMPs are specified in the "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix [C] B of the Harford County Chesapeake Bay Critical Area Management Program, as amended). HOWEVER, ENVIRONMENTAL SITE DESIGN PRACTICES AS SPECIFIED UNDER STORM WATER MANAGEMENT LAWS AND REGULATIONS SHOULD BE USED AS WELL, WHEN ENVIRONMENTAL SITE DESIGN PRACTICES PROVIDE GREATER WATER QUALITY PROTECTION.

[b] Mitigative plantings shall be LOCATED ON permeable areas equal to or greater in area than the increase of impervious surfaces, shall be planted with at least [1] ONE 1-INCH CALIPER tree per 100 square feet and/or [1] ONE 3-5 GALLON CONTAINERIZED shrub per 50 square feet of impervious surface added to the lot and shall be established and maintained in accordance with a landscaping plan and covenant as approved by the Department of Planning and Zoning. Where possible, such new plantings should be located between the new construction and surface waters. Tree and shrub plantings

shall be of native species.

[c] If mitigative landscaping and/or BMPs are not feasible as determined by the Director of Planning, the applicant is required to pay a fee in lieu of \$1.20 per square foot of additional impervious surfaces. Monies contributed under this section shall be deposited in a separate account, shall be used according to Subsection G(4)(a)[11][a][ix][E] of this section and shall not revert to the general fund.

[d] Construction of accessory structures which disturb less than 250 square feet are exempt from mitigative planting requirements.

[3] Unless determined to be technically infeasible by the Director of Planning, permeable areas shall be established and maintained in vegetation in accordance with a landscaping plan approved by the Department of Planning and Zoning.

[4] Development shall be designed and constructed so as to minimize the destruction of existing forest vegetation. Any forest removed must meet the replacement standards set forth in [§ 267-63F(3)(b)[5][b]-[f]] § 267-63F(3)(B)[7][B]-[F] AND BE MITIGATED ON A 1:1 SQUARE-FOOTAGE BASIS.

[5] Low impact development techniques are encouraged to be utilized in the IDA to maintain predevelopment hydrological conditions.

[6] Existing areas of public access to the shoreline shall be maintained. If possible, the establishment of new areas of public access to the shoreline shall be included in the plans for development or redevelopment of shoreline areas.

[7] Cluster development shall be used in developing in the IDA as a means of minimizing the amount of impervious surface area and the destruction of existing natural vegetation unless it is determined by the Director of Planning to be infeasible or inappropriate for a specific site. This requirement does not supersede the requirements of § 267-70 pertaining to Conventional with Open Space (COS) and Planned Residential Development (PRD).

(b) Limited development areas (LDA).

[1] FOR NEW SUBDIVISIONS IN THE LDA, [P]Pollutant loadings associated with development in the LDA are to be maintained at predevelopment levels through the use of stormwater management/best management practices specified in "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix [C] B of the Harford County Chesapeake Bay Critical Area Management Program, as amended).

[2] LOT COVERAGE ON A PARCEL IS LIMITED IN ACCORDANCE WITH THE FOLLOWING MAXIMUMS:

[A] WHEN A SITE IS MAPPED ENTIRELY AS A LDA, 15% OF THE TOTAL SITE;

[B] WHEN A PORTION OF A LOT OR PARCEL IS MAPPED AS A LDA, 15% OF THAT PORTION OF THE LOT OR PARCEL; AND

[C] IN THE CASE OF A GROWTH ALLOCATION AWARD:

[I] 15% OF THE GROWTH ALLOCATION DEVELOPMENT ENVELOPE; OR

[II] 15% OF THE ACREAGE PROPOSED FOR GROWTH ALLOCATION DEDUCTION.

1 [3] IF A LOT OR PARCEL HAS 2 NON-CONTIGUOUS AREAS OF
2 LDA, THE LOT COVERAGE OF ONE LDA AREA MAY BE
3 TRANSFERRED TO THE OTHER LDA AREA ON THE SAME
4 LOT OR PARCEL SUBJECT TO THE FOLLOWING
5 CONDITIONS:

6 [A] THE DEVELOPMENT IS CLUSTERED IN THE LDA
7 AREA RECEIVING THE LOT COVERAGE;

8 [B] THE LDA AREA RECEIVING THE ADDITIONAL LOT
9 COVERAGE MUST PROVIDE A 10% IMPROVEMENT IN
10 WATER QUALITY; AND

11 [C] THE LDA AREA FROM WHICH THE LOT COVERAGE
12 WAS TAKEN MUST BE LIMITED TO A
13 CORRESPONDING LESSER AMOUNT OF LOT
14 COVERAGE, SUCH THAT THE OVERALL LOT OR
15 PARCEL INSIDE THE CRITICAL AREA MAINTAINS A
16 15% LOT COVERAGE LIMITATION.

17 [[2] Man-made impervious surfaces shall not exceed 15% of the portion of
18 the lot or parcel within the critical area, except for the following:]

19 [4] LOT COVERAGE MAY EXCEED 15% FOR THE FOLLOWING:

20 [a] If a parcel or lot 1/2 acre or less in size existed on or before
21 December 1, 1985, then [man-made impervious surfaces] LOT
22 COVERAGE may not exceed 25% of the portion of the parcel
23 or lot within the Critical Area.

24 [b] If a parcel or lot greater than 1/2 acre and less than 1 acre in
25 size existed on or before December 1, 1985, then [man-made
26 impervious surfaces are] LOT COVERAGE IS limited to 15%

of the portion of the parcel or lot within the Critical Area.

[c] [On lots less than or equal to 1 acre in size located in subdivisions approved after December 1, 1985, man-made impervious surfaces may not exceed 25% of the portion of the lot within the critical area. However, the total of the impervious surfaces over the entire subdivision may not exceed 15% of the portion of the lot within the critical area.] LOT COVERAGE IN A SUBDIVISION APPROVED AFTER DECEMBER 1, 1985 IN THE CRITICAL AREA MAY NOT EXCEED 15%. HOWEVER, THE TOTAL LOT COVERAGE ON AN INDIVIDUAL LOT 1 ACRE OR LESS IN SIZE MAY EXCEED 15%.

[d] [Subsection F(3)(b)(2)[a]-[c]] SUBSECTION F(3)(B)(2)-[4] does not apply to a mobile home park in residential use on or before December 1, 1985.

[e] Limitations on [impervious surfaces] LOT COVERAGE provided in [Subsection F(3)(b)(2)[a] and [b]] SUBSECTION F(3)(B)(4)[A] AND [B] of this section may be exceeded if the following conditions exist:

[i] For a lot or parcel 1/2 acre or less in size, total [impervious surfaces do] LOT COVERAGE DOES not exceed [impervious surface] LOT COVERAGE limits in [Subsection F(3)(b)(2)[a]] SUBSECTION F(3)(B)(4)[A] of this section by more than 25% of the [impervious surface] LOT COVERAGE limitation or 500 square feet, whichever is greater.

- [ii] For a lot or parcel greater than 1/2 acre and less than 1 acre in size, total [impervious surfaces do] LOT COVERAGE DOES not exceed [impervious surface] LOT COVERAGE limits in [Subsection F(3)(b)[2][b]] SUBSECTION F(3)(B)[4][B] of this section or 5,445 square feet, whichever is greater.
- [iii] Water quality impacts associated with runoff from [the new impervious surfaces] NEW DEVELOPMENT ACTIVITIES THAT CONTRIBUTE TO LOT COVERAGE can be and have been minimized through mitigative plantings or use of best management practices listed in Appendix [C] B of the Harford County Chesapeake Bay Critical Area Management Program, as amended.
- [iv] Mitigative plantings shall be LOCATED IN permeable areas equal to or greater in area than the increase of [impervious surfaces] LOT COVERAGE. These areas shall be planted with at least ONE 1½-inch caliper tree per 100 square feet or [1] ONE 3-5 gallon containerized shrub per 50 square feet of [impervious surface] LOT COVERAGE added to the lot or parcel and established and maintained in accordance with a landscaping plan as approved by the Department of Planning and Zoning. Where possible, such new plantings should be located between the new [construction] DEVELOPMENT CONTRIBUTING

1 TO LOT COVERAGE and surface waters. Mitigative
2 plantings shall be of native species.

3 [v] If mitigative plantings and/or BMPs are not feasible as
4 determined by the Director of Planning, the applicant is
5 required to pay a fee in lieu of \$1.20 per square foot of
6 additional impervious surfaces. Monies contributed
7 under this section shall be deposited in a separate
8 account and shall be used according to Subsection
9 G(4)(a)[11][a][ix][E] of this section. These monies
10 shall not revert to the general fund.

11 ~~[[3]]~~[5]No development shall be permitted on slopes 15% OR greater [than
12 15%].

13 ~~[[4]]~~[6]Development on soils with development constraints, i.e., highly
14 erodible soils, hydric soils, soils with severe septic constraints and soils
15 with hydric inclusions as listed in Table 63-1 of this section, shall be
16 restricted. The Director of Planning may permit development on such
17 soils if adequate mitigation measures are applied to address the
18 identified constraints and to avoid significant adverse impacts on water
19 quality or fish, plant and wildlife habitats.

20 ~~[[5]]~~[7]The removal and replacement of existing forest cover AND
21 DEVELOPED WOODLANDS for development in an LDA area shall
22 meet the following conditions:

23 [a] Area to be cleared. On a wooded development site, no more
24 than 20% of the forest OR DEVELOPED WOODLAND cover
25 may be cleared provided that the remaining 80% is maintained
26 through recorded restrictive covenants or similar instruments.

1 This cover must be replaced on a 1:1 square-footage basis,
2 rounded to the nearest 100 square feet. An additional 10% of
3 the forest OR DEVELOPED WOODLAND cover may be
4 cleared, provided that replacement of the total forested OR
5 DEVELOPED WOODLAND area disturbed is made on 1:1.5
6 square-footage basis. Unless no forest will be disturbed by the
7 development, a forest stand delineation is required for any
8 development within the Critical Area in which forest covers an
9 area greater than 40,000 square feet. The forest stand
10 delineation shall be prepared according to the standards
11 presented in Chapter 4 of the Harford County Forest Cover
12 Conservation and Replacement Manual.

13 [b] Replacement of forest AND DEVELOPED WOODLAND
14 cover. The forest cover removed shall be replaced elsewhere
15 on the same site or on another parcel within the Critical Area.
16 If the replacement is not practical at the time of removal, the
17 Director of Planning may approve the payment of a forest
18 replacement fee of \$0.40 per square foot area of forest OR
19 DEVELOPED WOODLAND cleared and not otherwise
20 mitigated in lieu of the actual planting. Monies contributed
21 under this section shall be deposited in a separate account, shall
22 be used according to Subsection G(4)(a)[11][a][ix][E] of this
23 section and shall not revert to the general fund.

24 [c] Forest conservation plan. The removal and replacement of
25 forest AND DEVELOPED WOODLAND cover for
26 development must be undertaken as specified in an approved

1 forest conservation plan developed in accordance with
2 procedures specified in the Forest Management Guide
3 (Appendix [F] C of the Harford County Chesapeake Bay
4 Critical Area Management Program, as amended). For
5 properties requiring subdivision approval, forest conservation
6 plans shall be submitted along with the preliminary plan. For
7 all other projects, forest conservation plans shall be submitted
8 to the Department of Planning and Zoning for review and
9 approval prior to application for a grading permit.

- 10 [d] Performance guarantee required. To ensure that all afforested
11 or reforested areas required by this section are completed in
12 accordance with approved forest conservation plans and are
13 adequately preserved and maintained after installation, a surety
14 shall be deposited and a covenant recorded with Harford
15 County. Grading permits will not be issued until the covenant
16 and surety have been accepted by the County. The covenant
17 shall be established between the County and the owner of the
18 property which shall establish and protect the afforested or
19 reforested areas from future development activities. The
20 amount of the surety shall be equal to 110% of the value of
21 \$0.40 per square foot of planting required. The surety will be
22 held until the forested area established meets or exceeds
23 standards specified in the Forest Management Guide. If more
24 than 25% of the plantings in the afforested or reforested area
25 die within the first 2 growing seasons after planting, these must
26 be replaced with new stock. If after 2 complete growing

seasons from the time of planting, all components of the project meet or exceed the standards as determined by an inspection by the Department of Planning and Zoning and at least 75% of the planted trees have survived, 2/3 of the surety will be returned. The remainder will be released if, after the third growing season, all standards are met. If, however, additional plantings are required to replace more than 25% of the original plantings which did not survive, the surety shall be held an additional 3 years from the time of the last planting.

[e] Timing of payment. The forest replacement fees shall be paid prior to any clearing of the forest OR DEVELOPED WOODLAND cover on a development site. If not paid previously, the forest replacement fee shall be due and payable at the time of issuance of a grading permit for a site.

[f] Trust fund. Forest replacement fees shall be paid to the Harford County Department of the Treasury and maintained in a separate account, which shall be administered by the Harford County Department of Planning and Zoning. Expenditure of such funds shall be solely for the purpose of afforestation and reforestation of areas in the Critical Area, whether on public[,] or private lands.

[[6]][8] If a development site is unforested, a minimum of 15% of the site shall be afforested. If the afforestation comprises an area of 1 acre or greater, a forest conservation plan, financial surety and covenant as specified in [Subsection F(3)(b)[5][c] and [d]] SUBSECTION F(3)(B)[7][C] AND [D] of this section shall be required. [for] FOR afforestation of areas

less than 1 acre in size, plantings shall be installed according to the guidelines contained in the Forest Management Guide (Appendix [F] C).

[[7]][9] All development plans shall incorporate a wildlife corridor system that connects the largest, most undeveloped or most vegetated tracts of land within and adjacent to the site, thereby providing a continuity of existing on-site and off-site plant and wildlife habitats.

[[8]][10] Cluster development shall be used for developing in the LDA as a means of minimizing the amount of [impervious surface area] LOT COVERAGE and the destruction of existing natural vegetation, unless it is determined by the Director of Planning to be infeasible or inappropriate for a specific site. This requirement does not supersede the requirements of § 267-70 pertaining to Conventional with Open Space (COS) and Planned Residential Development (PRD).

(c) Resource Conservation Areas (RCA).

[1] Agriculture, forestry and areas of natural habitat shall be considered preferred land uses within this area.

[2] New industrial, commercial and institutional, except for County-owned parks and recreation facilities, development shall be prohibited.

[3] New residential development shall be permitted at a maximum density of 1 dwelling unit per 20 acres. One residential structure shall be permitted on any existing undeveloped parcel or lot of record as of December 1, 1985, regardless of the density requirement, provided that all other provisions of this section are met. For purposes of this subsection, "dwelling unit" means a single unit providing complete, independent living facilities for at least one person, including

permanent provisions for sanitation, cooking, eating, sleeping and other activities routinely associated with daily life. Dwelling unit includes living quarters for a domestic, other employee, tenant or in-law, or an accessory apartment, a guesthouse or a caretaker residence.

[4] The requirements and standards for development activities in the RCA designation shall be the same as for developments in the LDA designation.

[5] LIMITATIONS ON LOT COVERAGE ON A PARCEL SHALL BE IN ACCORDANCE WITH THE FOLLOWING MAXIMUMS:

[A] WHEN A SITE IS MAPPED ENTIRELY AS A RCA, 15% OF THE TOTAL SITE; AND

[B] WHEN A PORTION OF A LOT OR PARCEL IS MAPPED AS A RCA, 15% OF THAT PORTION OF THE LOT OR PARCEL.

[C] LOT COVERAGE MAY EXCEED 15% IN ACCORDANCE WITH § 267-63F(3)(B)[4].

[[5]][6] Certain uses may be permitted in the RCA if it is determined by the Director of Planning, with the concurrence of the Critical Area Commission, that the impacts of the proposed use on plant and wildlife habitat and water quality would be minimized and that the proposed use would be consistent with the intent of the RCA classification and the County's Critical Area Program.

(d) Forest clearing violation. Clearing of forested areas anywhere within the Critical Area, other than as set forth in this section, and in the buffer as specified in § 267-63 (Chesapeake Bay Critical Area Overlay District) prior to issuance of a grading permit, or of areas exceeding the maximum amount

allowed by this section, constitutes a violation of this section in addition to any other applicable County regulations. Afforestation/reforestation of an area 3 times the extent of the area cleared in violation will be required as mitigation for such clearing. All standards and requirements of § 267-63 (Chesapeake Bay Critical Area Overlay District) must be met, including the preparation of forest conservation plans and the posting of the required surety and covenant.

(e) Routine vegetative maintenance/emergency repairs. Routine vegetative maintenance and/or emergency repairs may occur in existing public utility rights-of-way in the Critical Area provided:

[1] The minimum disturbance necessary occurs;

[2] Mechanical methods are used whenever feasible as opposed to chemical means; and

[3] Notification and coordination with the Department of Planning and Zoning occurs prior to commencement of activity.

(4) Agriculture. Agricultural activities as otherwise permitted by the Zoning Code shall meet the following additional requirements:

(a) Each agricultural operation in the Critical Area shall have and be implementing a soil and water conservation plan, approved by the Harford Soil Conservation District Office, to protect the productivity of the land base, preserve or enhance water quality and conserve fish, wildlife and plant habitat, by incorporating best management practices which protect areas identified as habitat protection areas and adequately address the control of nutrients, animal wastes, pesticides and sediment runoff. BEST MANAGEMENT PRACTICES SHALL INCLUDE A REQUIREMENT FOR THE IMPLEMENTATION OF A GRASSLAND AND MANURE MANAGEMENT PROGRAM, WHERE APPROPRIATE.

(b) Prior to the development of soil and water conservation plans as required in

Subsection F(4)(a), a 25-foot vegetated filter strip comprised of trees with a dense ground cover or a thick sod grass shall be maintained adjacent to tidal waters, tidal wetlands or tributary streams SO AS TO PROVIDE WATER QUALITY BENEFITS AND HABITAT PROTECTION. The width of this strip shall be increased by a distance of 4 feet for every 1% increase in slope over 6%. Measures approved by the Harford County Soil Conservation District may be used within this filter strip and elsewhere in the Critical Area to control noxious weeds and invasive plants and animals.

(c) The feeding or watering of livestock is not permitted within 50 feet of tidal waters, tidal wetlands or tributary streams.

(d) Agricultural activities, including the grazing of livestock, shall not disturb [the stability of] STREAM BANKS, tidal shorelines OR OTHER HABITAT PROTECTION AREAS.

(e) Agricultural activities shall not be expanded in the Critical Area by:

[1] The destruction of nontidal wetlands by diking, dredging or filling operations.

[2] Clearing of forest or woodland on soils with a slope greater than 15% or on highly erodible soils.

[3] Clearing of lands identified as habitat protection areas, including the clearing of natural vegetation within the buffer.

(f) Timber harvesting operations on agricultural lands shall be done in accordance with the requirement of this section.

(5) Forestry operations. Forests are to be considered a protective land use in the Critical Area and, thus, should be managed to protect their value for plant and wildlife habitat and water quality protection.

(a) Timber harvesting affecting 1 acre or more of forested area in the Critical Area,

1 including timber harvesting on agricultural land and that described above in
2 [Subsection F(3)(b)[5]] SUBSECTION F(3)(B)[7] of this section, shall be
3 undertaken in accordance with a forest management or forest conservation plan
4 prepared by a forester registered in the State of Maryland and approved by the
5 Department of Natural Resources based upon recommendations of the Harford
6 County Forestry Board and the Department of Planning and Zoning.

7 [1] Plans in accordance with the provisions in Appendix [F] C of the
8 Harford County Chesapeake Bay Critical Area Management Program,
9 as amended, which do not involve cutting in the buffer or OTHER
10 identified habitat protection areas may be conditionally approved by the
11 project forester. Copies of such conditionally approved plans shall be
12 sent to the Forestry Board and the Department of Planning and Zoning.
13 If no adverse comments are received within 2 weeks after submittal of
14 the plans to the Board and the Department, such plans are formally
15 approved.

16 [2] For plans involving disturbance to [a] THE BUFFER OR OTHER
17 habitat protection [area] AREAS, a pre-harvest meeting must be held
18 with the landowner and/or his designee, the Department of Planning
19 and Zoning and the Department of Natural Resources before approval
20 of the timber harvest may be granted. Forest management plans must
21 be approved by the Harford County Department of Planning and
22 Zoning, the Harford County Forestry Board and the Department of
23 Natural Resources before an applicant may proceed with a timber
24 harvest involving disturbance to a habitat protection area.

25 [3] Separate copies of forest management plans shall be submitted to the
26 Department of Natural Resources, the Department of Planning and

1 Zoning and the Forestry Board for their review and approval. Plans
2 approved by the Department of Planning and Zoning and the Forestry
3 Board shall be submitted by these agencies to the Department of
4 Natural Resources. If any of the 3 reviewing agencies find the forest
5 management plan to be inadequate, that agency must contact the
6 applicant in writing as to what additional information is required. The
7 Department of Natural Resources shall notify the applicant that the
8 timber harvest has been approved, and the applicant may proceed with
9 the harvest.

10 [4] Forest management plans shall include measures to protect surface and
11 ground water quality, identified habitat protection areas and the
12 continuity of plant and wildlife habitat and shall include a copy of the
13 timber harvest plan, which is the plan describing a proposed timber
14 harvest that is required to be submitted to the Department of Natural
15 Resources for a harvest of timber within the State of Maryland. Forest
16 management plans shall show all buffers and other habitat protection
17 areas. Forest management plans shall also show all proposed: stream
18 crossings, culverts, landing areas, log decks, stockpile areas, skidder
19 trails and haul roads to the nearest public road, and the limits of
20 disturbance.

21 (b) Sediment control plans shall be developed for all timber harvesting in the
22 Critical Area involving 5,000 square feet or more, including those undertaken
23 on agricultural land. Such plans shall be approved by the Harford County Soil
24 Conservation District based upon recommendations of the Department of
25 Natural Resources and the Department of Planning and Zoning. Plans shall be
26 submitted according to the procedures contained in the Forest Management

1 Guide. The timber harvesting operation covered by such plans shall be
2 implemented in accordance with the specifications contained in the document,
3 Standard Erosion and Sediment Control Plan for Forest Harvest Operations,
4 and any additional specifications established by the Department of Natural
5 Resources.

6 (c) Timber harvesting within the Critical Area buffer shall be subject to the
7 requirements set forth in [Subsection G(4)(a)[4]] SUBSECTION G(4)(A)[9] of
8 this section. Timber harvesting within the Critical Area buffer requires that a
9 buffer management plan be included in the forest management plan.

10 (6) Water-dependent facilities. Those structures associated with industrial, maritime,
11 recreational, educational or fishery activities requiring a location at or near the shoreline
12 shall be considered water-dependent facilities and, thus, may be allowed within the
13 Critical Area buffer, subject to the additional conditions of this subsection. An activity
14 is water dependent if it cannot exist outside the buffer and is dependent on the water by
15 the intrinsic nature of its operation.

16 (a) Except as otherwise provided in this regulation, new or expanded water-
17 dependent activities may not be permitted in those portions of the buffer which
18 occur in the RCA. Except as otherwise provided below, development activities
19 or uses may be permitted in the Critical Area buffer in IDA and LDA provided
20 that it can be shown:

21 [1] That they are water dependent;

22 [2] That the project meets a recognized private right or public need;

23 [3] That adverse effects on water quality and fish, plant and wildlife habitat
24 are minimized; and

25 [4] That, insofar as possible, non-water-dependent structures or operations
26 associated with water-dependent projects or activities are located

outside of the buffer.

(B) EXCEPT FOR A DESIGNATED BUFFER EXEMPTION AREA OR FOR A VARIANCE GRANTED IN ACCORDANCE WITH SECTION H, LOT COVERAGE IN THE BUFFER MAY NOT EXCEED THE MINIMUM AMOUNT NECESSARY FOR WATER-DEPENDENT FACILITIES, REGARDLESS OF THE CRITICAL AREA CLASSIFICATION OR THE SIZE OF THE PARCEL OR LOT.

[(b))(C) Expansion of an existing water-dependent facility includes: expansion of services, extension or construction of additional slips or piers, construction of new buildings, expansion of existing impervious surfaces or installation of new or additional boat storage facilities. Expansion does not include maintenance or repair or replacement of existing bulkheads, piers or buildings, or maintenance dredging. All new or expanded water-dependent facilities shall be located and operated in accordance with the following conditions:

[1] The activities shall not significantly alter existing water circulation patterns or salinity regimes.

[2] The water body upon which the facility AND ASSOCIATED ACTIVITIES ARE [is] proposed must have adequate flushing characteristics in the area for natural dispersal of and removal of pollution.

[3] Disturbance to wetlands, submerged aquatic vegetation or other areas identified as important aquatic habitats shall be minimized.

[4] Adverse impacts to water quality occurring as a result of the facility and associated activities, such as nonpoint source runoff, sewage discharge from land activities or vessels or pollutant runoff from boat cleaning and maintenance operations, shall be minimized.

- [5] Shellfish beds shall not be disturbed or made subject to discharge which would render them unsuitable for harvesting.
- [6] Dredging associated with the facility and associated activities shall utilize the method which causes the least disturbance to water quality and aquatic and terrestrial habitats in the immediate vicinity of the dredging operation or within the Critical Area.
- [7] Dredged material shall not be placed within the Critical Area buffer or elsewhere in designated habitat protection areas except in previously approved channel maintenance disposal areas, [or as used for] shore erosion protection measures OR BEACH NOURISHMENT.
- [8] Interference with the natural transport of sand shall be minimized.
- [9] Location of such facilities in or adjacent to waterfowl staging and concentration areas shall be avoided to the maximum extent possible. The use of new or existing water-dependent facilities in waterfowl staging and concentration areas shall be minimized during the period of November through March to avoid disturbance to waterfowl wintering there or using the areas as migratory staging areas.
- [10] A building permit for any construction in or over tidal waters is not valid without a concurrent state wetlands license or permit and Sections 404/10 permits (as appropriate) from the Army Corps of Engineers.
- [11] Construction of a non-water-dependent structure on new or existing pilings or pier over state or private wetlands in the Critical Area shall not be permitted. New boathouses located over state or private wetlands in the Critical Area shall not be permitted. "Boathouse" means a structure with a roof or cover, or similar device, placed over open water to protect a boat or other vessel.

1 [(c)](D) All applications for new or expanded water-dependent facilities shall be
2 required to submit such pertinent information and materials as are listed in the
3 technical document, Program Requirements for Water-Dependent Facilities
4 (Appendix [I] E of the Harford County Chesapeake Bay Critical Area
5 Management Program, as amended), and as determined necessary by the
6 Director of Planning. Based on the project size and scope, environmental
7 sensitivity of the project site and potential adverse impacts to water quality,
8 aquatic habitats or terrestrial habitats, the Director of Planning may require a
9 comprehensive water-dependent facility plan as detailed in Appendix [I] E of
10 the Harford County Chesapeake Bay Critical Area Management Program, as
11 amended. This plan must be approved by the Director of Planning. It is
12 recommended that an applicant consult with the Department of Planning and
13 Zoning before developing and submitting this information.

14 [(d)](E) Conditions relating to specific types of water-dependent uses. The
15 development of the following water-dependent uses shall be subject to the
16 following conditions:

17 [1] Commercial marinas, community marinas and piers, private piers,
18 industrial water-dependent facilities and other associated maritime uses,
19 including boating, docking and storage facilities.

20 [a] New commercial marinas and related maritime facilities shall
21 not be permitted in resource conservation areas. Expansion of
22 existing commercial marinas located in the RCA is allowed
23 only if it is determined by the Director of Planning that the
24 expansion will result in an overall NET improvement in water
25 quality at OR LEAVING the marina site or a reduction in the
26 pollutant loading from the marina.

1 [b] New or expanded commercial marinas and related maritime
2 facilities in areas designated as limited or intensely developed
3 areas must meet the following conditions:

4 [i] The best management practices cited in the technical
5 report, Program Requirements for Water-Dependent
6 Facilities in the Critical Area (Appendix [I] E of the
7 Harford County Chesapeake Bay Critical Area
8 Management Program, as amended), shall be applied to
9 the location and operation of new or expanded marinas
10 and related maritime facilities, where applicable.

11 [ii] State sanitary requirements for such facilities are
12 complied with.

13 [c] New or expanded community marinas and other
14 noncommercial boating, docking and storage facilities may be
15 located in the Critical Area buffer in the RCA, LDA and IDA if
16 they meet the following conditions:

17 [i] The facilities do not offer food, fuel or other goods and
18 services for sale and adequate sanitary facilities shall be
19 provided.

20 [ii] The facilities are community-owned and established
21 and operated for the benefit of the residents of a platted
22 and recorded subdivision.

23 [iii] The facilities are associated with a residential
24 development approved by the County for the Critical
25 Area and are consistent with all the standards and
26 regulations for the Critical Area as set forth in this

section.

[iv] Any disturbance of the Critical Area buffer is the minimum necessary to provide a single point of access to the proposed facilities.

[v] If community piers or slips are provided as part of a development built or constructed after June 24, 1988, private piers in the development shall not be permitted.

[vi] The number of slips or piers permitted at the facility shall be the lesser of [A] and [B] below:

[A] One slip for each 50 feet of shoreline in a subdivision in the intensely and limited development areas and 1 slip for each 300 feet of shoreline in a subdivision in the resource conservation area; or

[B] A density of slips or piers to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

Platted Lots or Dwellings in the Critical Area	Slips and Dwellings
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
Over 300	75 or 15%, whichever is greater

1 [d] No structure connected to the shoreline, such as a dock, pier or
2 boathouse, shall extend outward from the mean high water line
3 more than 25% of the distance to the mean high water line on
4 the opposite shore or more than 250 feet, whichever is less, nor
5 shall it extend into an existing navigational channel.

6 [e] New or expanded private water-dependent facilities for
7 residential lots must meet the following conditions:

8 [i] New or expanded private water-dependent facilities
9 will accommodate no more than 4 boats.

10 [ii] Non-water-dependent facilities shall not be constructed
11 on piers.

12 [f] New, expanded or redeveloped industrial or port-related
13 facilities and the replacement of these facilities may be
14 permitted only in those portions of IDA exempted from the
15 Critical Area buffer and are subject to the provisions of
16 Subsection F(6)(a).

17 [2] Public beaches or other public water-oriented recreation or education
18 areas. Public beaches or other public water-oriented recreation or
19 education areas, including publicly owned boat launching and docking
20 facilities and fishing piers, are allowed in the Critical Area buffer in the
21 RCA, LDA and IDA, provided that the following conditions are met:

22 [a] Adequate sanitary facilities shall be provided.

23 [b] Service facilities shall be located outside the buffer.

24 [c] Permeable surfaces shall be used as the primary surfacing
25 material if no degradation of groundwater would result.

26 [d] Disturbance to natural vegetation shall be minimized.

[e] Habitat protection areas shall be protected as consistent with provisions in Subsection G below.

[f] Areas for passive recreation such as nature study, hunting and fishing, and for education may be permitted in the buffer if non-water-dependent structures or facilities associated with these projects are located outside of the buffer.

[3] Water-dependent scientific research and fishery-related facilities. Water-dependent scientific research facilities operated by governmental agencies or educational institutions and commercial water-dependent fishery facilities, such as structures for crab-shedding, fish off-loading, docks and shore-based facilities necessary for fishery activities, can be located in the Critical Area buffer, provided that associated non-water-dependent structures or facilities are located outside the buffer. Commercial water-dependent fishery activities and shore-based facilities necessary for aquaculture operations may be located in the buffer in RCA, LDA and IDA.

(7) Surface mining.

(a) The establishment of new surface mining operations within the Critical Area shall be prohibited.

(b) Existing operations, including roads, accessory improvements, equipment and storage areas, may be continued within the Critical Area, provided that all such operations shall be conducted in a manner which:

[1] Does not adversely impact water quality, identified habitat protection areas or contiguous properties.

[2] Permits the rapid reclamation of the site, including any wash pond, when the operation has terminated.

[3] Retains the Critical Area buffer of natural vegetation between the operation and tidal waters, tidal wetlands and tributary streams.

(c) The expansion of existing surface mining operations in the Critical Area shall be reviewed and may be permitted as a special exception. Prior to accepting any application for Board of Appeals review, the Director of Planning shall review the application and shall forward the application to the Board only upon making findings that such expansion shall have met the following conditions.

[1] The operation shall not have an adverse impact on identified habitat protection areas.

[2] The operation shall not be located on lands which are within 100 feet of the mean high water line of tidal waters, tidal wetlands or the edge of streams.

[3] The operation shall not be located on land with highly erodible soils.

[4] The operation shall not be permitted if the mining activity would prevent the use of the site for agricultural or forestry purposes for more than 25 years.

[5] Wash plants, including ponds, spoil piles, related equipment, roads, parking areas and other impervious surfaces, shall not be located within the Critical Area buffer.

[6] An adequate reclamation plan has been developed.

(8) Shore erosion control measures. All development activities conducted on lands immediately adjacent to tidal waters or where existing developments are experiencing shoreline erosion problems shall be required to meet the following standards regarding the control of shoreline erosion:

[(a) Nonstructural measures (i.e., vegetative stabilization, regrading, etc.) for controlling shore erosion shall be used wherever possible in order to conserve

and protect plant, fish and wildlife habitat.]

(A) OTHER THAN IN AREAS DESIGNATED BY MDE AS APPROPRIATE FOR STRUCTURAL SHORELINE STABILIZATION MEASURES, IMPROVEMENTS TO PROTECT A PROPERTY AGAINST EROSION SHALL CONSIST OF NONSTRUCTURAL SHORELINE STABILIZATION MEASURES THAT PRESERVE THE NATURAL ENVIRONMENT, SUCH AS MARSH CREATION, EXCEPT IN AREAS WHERE IT CAN BE DEMONSTRATED TO THE SATISFACTION OF MDE THAT THESE MEASURES ARE NOT FEASIBLE, INCLUDING AREAS OF EXCESSIVE EROSION, AREAS SUBJECT TO HEAVY TIDES AND AREAS TOO NARROW FOR EFFECTIVE USE OF NONSTRUCTURAL SHORELINE STABILIZATION MEASURES.

(b) Where nonstructural measures are ineffective or impractical, AS DEMONSTRATED TO THE SATISFACTION OF MDE, stone revetments or riprap shall be used whenever possible to conserve fish and plant habitat. Bulkheads and other structural measures shall be used only where the use of revetments is infeasible or where their use is needed as part of a water-dependent facility.

(c) Erosion control plan. Where structural measures must be used, these must be established as specified in an erosion control plan approved by the Department of Planning and Zoning. The approved plan must be kept on the project site and be available for inspection upon request of the Zoning Inspector during the construction of the erosion control measures. An approved plan is not valid without all state and federal permits and licenses AND AN APPROVED BUFFER MANAGEMENT PLAN required to conduct such erosion control measures. The erosion control plan contains a site sketch of the existing

shoreline and a site sketch of the proposed control measures. The erosion control plan also contains a brief description of the proposed methods and materials. The information required by the Army Corps of Engineers and Maryland Department of the Environment/Nontidal Wetlands Division for a 404 joint permit application is sufficient for submission as an erosion control plan.

(d) Slope stabilization. Where erosion of the slope in the buffer is occurring above mean high water, stabilization of the slope may only occur in accordance with an approved buffer management plan and in consultation with the Soil Conservation District and Critical Area Commission.

(9) Natural parks. The development and use of areas designated as natural parks shall recognize the limited ability of the natural systems to handle human impacts. The following standards shall apply to the development and use of such areas:

(a) The ability of a specific site to accommodate human disturbance on a daily or seasonal basis shall be considered in the design of visitor use facilities for natural parks areas.

(b) The Critical Area buffer shall be maintained in the development of any natural park site. Trees or other suitable vegetation shall be planted within areas of the buffer which are presently unvegetated.

(c) All areas listed as identified habitat protection areas in § 267-4 (Definitions) shall be protected on a natural park site.

(d) Forest cover on the site shall be maintained to the maximum extent feasible.

(e) All publicly owned lands leased for agricultural activities shall have current soil and water conservation plans.

G. Habitat protection areas.

(1) The purpose of this subsection is to ensure protection for the following types of areas

1 with significant resource value, called "habitat protection areas," no matter where they
2 are located within the Critical Area.

3 (2) The following areas of significant natural value are classified "habitat protection areas"
4 and are so designated on each Zoning Map overlay or herein defined:

5 (a) Critical Area buffer. An area a minimum 100 feet in width as measured from
6 the mean high water line of tidal waters, EDGE OF tidal wetlands and EDGE
7 OF BANK OF tributary streams shall be established and maintained in a
8 natural condition. The Critical Area buffer shall be expanded beyond 100 feet
9 to include the following contiguous sensitive areas:

10 [1] Hydric soils, highly erodible soils, wetlands or other aquatic habitats
11 and steep slopes.

12 [2] Steep slopes are defined as slopes which equal or exceed 15% slope. In
13 the case of steep slopes within or contiguous to the Critical Area buffer,
14 the buffer is additionally expanded beyond the expansions for the
15 above-listed sensitive areas 4 feet for every 1% of slope as averaged
16 over the contiguous steeply sloped area or to the top of the contiguous
17 steeply sloped area, whichever is greater. Topographic information
18 contained in Harford County's GIS will be used to determine the
19 presence of steep slopes unless field verifications are provided to detail
20 the locations of these slopes.

21 [3] WITHIN THE RESOURCE CONSERVATION AREA, ANY
22 APPLICATION FOR SUBDIVISION OR SITE PLAN APPROVAL,
23 NOT INVOLVING THE USE OF GROWTH ALLOCATION,
24 SHALL HAVE A MINIMUM BUFFER OF 200 FEET FROM
25 TIDAL WATERS OR A TIDAL WETLAND UNLESS
26 SUBDIVISION OF THE PROPERTY AT A DENSITY OF ONE

DWELLING UNIT PER 20 ACRES WOULD BE PRECLUDED
AND ALL OTHER STATE AND LOCAL REQUIREMENTS WILL
BE SATISFIED.

- (b) Nontidal wetlands. Those areas which meet the definition of nontidal wetlands as set forth in § 267-4 (Definitions), both mapped and located by field survey.
 - (c) Habitats of state-designated threatened or endangered species or species in need of conservation, natural heritage areas and habitats of local significance.
 - (d) Colonial waterbird nesting sites.
 - (e) Riparian forests and other forested areas utilized as breeding habitat by forest interior dwelling species.
 - (f) Anadromous fish propagation waters.
 - (g) Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands.
- (3) General provisions.
- (a) Development activities or other land disturbances, including commercial tree harvesting and agricultural activities, are prohibited within the boundaries of an identified habitat protection area unless PERMITTED IN SUBSECTION G(4) BELOW. [the Director of Planning certifies that the location of the activities and/or the limitations and restrictions placed on them will avoid adverse impacts on the water quality protection and plant and wildlife habitat values of the area or to the species dependent upon such areas.]
 - (b) The location of roads, bridges or utilities shall be prohibited within the boundaries of a habitat protection area unless there is no feasible alternative, as determined by the Director of Planning in consultation with the Director of the Department of Public Works, in which case they shall be located, designed, constructed and maintained to provide maximum erosion protection, to

1 minimize adverse effects on wildlife, aquatic life and their habitats and to
2 maintain hydrologic processes and water quality.

3 (c) All development activities that must cross or otherwise affect streams shall be
4 designed to:

5 [1] Retain tree canopy so as to maintain stream water temperatures within
6 normal variation;

7 [2] Provide a natural substrate for streambeds; and

8 [3] Minimize adverse water quality and quantity impacts of stormwater.

9 (4) Specific provisions. Activities affecting particular habitat protection areas shall comply
10 with the following requirements:

11 (a) Critical area buffer.

12 [[1] The buffer shall be maintained in natural vegetation and may include
13 planted native vegetation where necessary to protect, stabilize or
14 enhance the shoreline. In the case of development where the buffer is
15 not entirely established in woody vegetation, the buffer shall be planted
16 and maintained according to the standards set forth in the Forest
17 Management Guide for Buffer Plantings.

18 [2] New development activities, including redevelopment activities and
19 including structures, underground petroleum product storage tanks,
20 roads, parking areas and other impervious surfaces, mining and related
21 facilities or septic systems (and other disposal systems), may not be
22 permitted in the buffer, except for those necessarily associated with
23 water-dependent facilities as approved in accordance with Subsection
24 F(6) of this section. Replacement of existing underground petroleum
25 product storage tanks shall be with aboveground tanks.

26 [3] Where agricultural use of lands within the area of the critical area

1 buffer ceases and the lands are proposed to be converted to other uses,
2 the critical area buffer shall be established. Establishment of the buffer
3 shall include the establishment of appropriate forest vegetation as
4 specified in the Forest Management Guide. Appropriate surety and
5 covenant shall also be required as specified in Subsection F(3)(b)(5)(d)
6 of this section.

7 [4] For any commercial timber harvesting of trees by selection, a buffer
8 management plan shall be prepared by a registered forester and
9 approved by the Department of Natural Resources based upon
10 recommendations of the Harford County Forestry Board and the
11 Harford County Department of Planning and Zoning. Cutting or
12 clearing operations specified in such plans shall be conducted in
13 accordance with the following requirements:

14 [a] Selective cutting may be permitted to within 50 feet of the
15 mean high water line of tidal waters, perennial tributary streams
16 and tidal wetlands.

17 [b] Nontidal wetlands and other identified habitat protection areas
18 shall not be disturbed.

19 [c] Disturbance to stream banks and shorelines shall be avoided.

20 [d] The area disturbed or cut shall be replanted or allowed to
21 regenerate in a manner that assures the availability of cover and
22 breeding sites for wildlife and reestablishes the wildlife corridor
23 function of the buffer.

24 [e] The cutting shall not create logging roads and skid trails within
25 the buffer.

26 [5] Except as specified below, any clearing of vegetation or removal of

1 trees within the buffer is prohibited unless a buffer management plan is
2 submitted and approved by the Department of Planning and Zoning
3 prior to any clearing or removal. Any violation of this section shall
4 require mitigation at a ratio of 3:1.

5 [6] The cutting of trees or removal of natural vegetation may be permitted
6 in the critical area buffer where necessary to provide access to private
7 piers, to install or construct a shore erosion protection device, an
8 approved slope erosion control measure or a water-dependent facility,
9 provided that the device, measure or facility has received all necessary
10 state and federal permits and provided that a buffer management plan
11 has been approved by the Department of Planning and Zoning.

12 [7] Individual trees may be cut for personal use, provided that this cutting
13 does not impair the water quality or existing habitat value or other
14 functions of the buffer and provided that the trees are replaced on an
15 equal basis for each tree cut, as provided in a buffer management plan
16 approved by the Department of Planning and Zoning. Planting
17 specifications for replaced trees are given in Appendix [F] C of the
18 Harford County Chesapeake Bay Critical Area Management Program,
19 as amended.

20 [8] Individual trees may be removed which are in danger of falling and
21 causing damage to dwellings or other structures or which are in danger
22 of falling and therefore causing the blockage of streams or resulting in
23 accelerated shore erosion. Individual trees removed must be replaced
24 on an equal basis for each tree cut, as provided in a buffer management
25 plan and approved by the Department of Planning and Zoning.

26 [9] Under the guidance of the Department of Natural Resources,

horticultural practices may be used in the buffer to maintain the health of individual trees. However, the clearing of understory may only be undertaken with a buffer management plan approved by the Department of Planning and Zoning.

[10] Other cutting techniques may be undertaken within the buffer, under the advice and guidance of the Departments of Agriculture and Natural Resources, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire. A buffer management plan approved by the Department of Planning and Zoning is required.]

[1] ANY ACTIVITY OCCURRING ON A LOT OR PARCEL THAT INCLUDES THE BUFFER MUST COMPLY WITH COMAR 27.01.09.01-.01-7 AS AMENDED, INCLUDED AS APPENDIX K AND INCORPORATED HEREIN BY REFERENCE.

[2] THE BUFFER SHALL BE MAINTAINED IN NATURAL VEGETATION AND MAY INCLUDE PLANTED NATIVE VEGETATION WHERE NECESSARY TO PROTECT, STABILIZE OR ENHANCE THE SHORELINE.

[A] THE BUFFER SHALL BE EXPANDED TO INCLUDE CONTIGUOUS SENSITIVE AREAS SUCH AS STEEP SLOPES, HYDRIC SOILS, HIGHLY ERODIBLE SOILS AND NONTIDAL WETLANDS IN ACCORDANCE WITH THE EXPANSION PROVISIONS IN APPENDIX K.

[B] IN THE CASE OF DEVELOPMENT OR REDEVELOPMENT THAT OCCURS ON A LOT OR PARCEL THAT INCLUDES A BUFFER TO TIDAL WATERS, A TIDAL WETLAND OR A TRIBUTARY

1 STREAM, OR THE APPROVAL OF A SUBDIVISION
2 THAT INCLUDES A BUFFER TO TIDAL WATERS, A
3 TIDAL WETLAND OR A TRIBUTARY STREAM, THE
4 BUFFER SHALL BE ESTABLISHED IN ACCORDANCE
5 WITH THE REQUIREMENTS SET FORTH IN APPENDIX
6 K.

7 [3] NEW DEVELOPMENT ACTIVITIES, INCLUDING
8 REDEVELOPMENT ACTIVITIES, MAY NOT BE PERMITTED
9 IN THE BUFFER, EXCEPT FOR:

10 [A] THOSE NECESSARILY ASSOCIATED WITH WATER-
11 DEPENDENT FACILITIES AS APPROVED IN
12 ACCORDANCE WITH SUBSECTION F(6) OF THIS
13 SECTION;

14 [B] SHORE EROSION CONTROL OR SLOPE
15 STABILIZATION MEASURES IN ACCORDANCE WITH
16 SUBSECTION F(8) OF THIS SECTION;

17 [C] THOSE OCCURRING WITHIN AN APPROVED BUFFER
18 EXEMPT AREA IN ACCORDANCE WITH SUBSECTION
19 G(4) OF THIS SECTION; AND

20 [D] THOSE OCCURRING ON A LOT OR PARCEL CREATED
21 BEFORE JANUARY 1, 2010, WHERE THE BUFFER HAS
22 BEEN EXPANDED DUE TO A HIGHLY ERODIBLE SOIL
23 ON A SLOPE LESS THAN 15% OR A HYDRIC SOIL, IF:
24 [I] THE LOCATION OF THE DEVELOPMENT
25 ACTIVITY IS IN THE EXPANDED PORTION OF
26 THE BUFFER FOR A HIGHLY ERODIBLE SOIL

ON A SLOPE LESS THAN 15% OR A HYDRIC
SOIL, BUT NOT IN THE 100-FOOT BUFFER;

[III] THE BUFFER FOR A HIGHLY ERODIBLE SOIL
ON A SLOPE LESS THAN 15% OR A HYDRIC
SOIL OCCUPIES AT LEAST 75% OF THE LOT OR
PARCEL; AND

[III] MITIGATION OCCURS AT A 2:1 RATIO BASED
ON THE LOT COVERAGE OF THE PROPOSED
DEVELOPMENT ACTIVITY THAT IS IN THE
EXPANDED BUFFER.

[4] THE CUTTING OR REMOVAL OF NATURAL VEGETATION IN
THE BUFFER IS PROHIBITED WITH THE EXCEPTION OF
DISTURBANCE NECESSARY FOR:

[A] ACCESS TO PRIVATE PIERS;
[B] CONSTRUCTION OF AN APPROVED WATER-
DEPENDENT FACILITY;
[C] INSTALLATION OF AN APPROVED SHORE EROSION
PROTECTION DEVICE OR SLOPE EROSION CONTROL
MEASURE;

[D] REMOVAL OF A DEAD, DISEASED OR DYING TREE;
OR
[E] REMOVAL OF A TREE IN DANGER OF FALLING AND
CAUSING DAMAGE TO A DWELLING OR OTHER
STRUCTURE, CAUSING BLOCKAGE OF A STREAM OR
CAUSING ACCELERATED SHORE EROSION.

[5] MITIGATION, ANY DISTURBANCE TO THE BUFFER SHALL

1 BE MITIGATED PER THE REQUIREMENTS SPECIFIED IN
2 APPENDIX K.

3 [6] BUFFER MANAGEMENT PLAN. PRIOR TO ANY CLEARING
4 OF VEGETATION OR REMOVAL OF TREES WITHIN THE
5 BUFFER FOR ACTIVITIES PERMITTED UNDER SUBSECTION
6 4(A)[3] AND [4] OF THIS SECTION, A BUFFER MANAGEMENT
7 PLAN MUST BE SUBMITTED AND APPROVED BY THE
8 DEPARTMENT OF PLANNING AND ZONING PRIOR TO ANY
9 CLEARING OR REMOVAL PER THE SPECIFICATIONS
10 CONTAINED IN APPENDIX K.

11 [7] ANY VIOLATION OF THIS SECTION SHALL REQUIRE
12 MITIGATION AT A RATIO OF 4:1.

13 [8] FEE-IN-LIEU. IF THE MITIGATION REQUIREMENTS OF
14 SUBSECTION 4(A)[5] CANNOT BE MET, A FEE-IN-LIEU OF
15 BUFFER MITIGATION MAY BE PAID AT THE RATE OF \$1.50
16 PER SQUARE FOOT OF MITIGATION REQUIRED. APPENDIX
17 K SPECIFIES REPORTING REQUIREMENTS FOR THE FEE-IN-
18 LIEU.

19 [9] FOR ANY COMMERCIAL TIMBER HARVESTING OF TREES
20 BY SELECTION, A BUFFER MANAGEMENT PLAN SHALL BE
21 PREPARED BY A REGISTERED FORESTER AND APPROVED
22 BY THE MARYLAND DEPARTMENT OF NATURAL
23 RESOURCES BASED UPON RECOMMENDATIONS OF THE
24 HARFORD COUNTY FORESTRY BOARD AND THE HARFORD
25 COUNTY DEPARTMENT OF PLANNING AND ZONING.
26 CUTTING OR CLEARING OPERATIONS SPECIFIED IN SUCH

1 PLANS SHALL BE CONDUCTED IN ACCORDANCE WITH THE
2 FOLLOWING REQUIREMENTS:

3 [A] SELECTIVE CUTTING MAY BE PERMITTED TO
4 WITHIN 50 FEET OF THE MEAN HIGH WATER LINE OF
5 TIDAL WATERS, PERENNIAL TRIBUTARY STREAMS
6 AND THE EDGE OF TIDAL WETLANDS.
7 COMMERCIAL HARVESTING OF TREES BY ANY
8 METHOD IS PERMITTED TO THE EDGE OF
9 INTERMITTENT STREAMS PROVIDED THAT THE
10 REQUIREMENTS OF THIS SECTION ARE MET.

11 [B] NONTIDAL WETLANDS AND OTHER IDENTIFIED
12 HABITAT PROTECTION AREAS SHALL NOT BE
13 DISTURBED.

14 [C] DISTURBANCE TO STREAM BANKS AND
15 SHORELINES SHALL BE AVOIDED.

16 [D] THE AREA DISTURBED OR CUT SHALL BE
17 REPLANTED OR ALLOWED TO REGENERATE IN A
18 MANNER THAT ASSURES THE AVAILABILITY OF
19 COVER AND BREEDING SITES FOR WILDLIFE AND
20 REESTABLISHES THE WILDLIFE CORRIDOR
21 FUNCTION OF THE BUFFER.

22 [E] THE CUTTING SHALL NOT CREATE LOGGING ROADS
23 AND SKID TRAILS WITHIN THE BUFFER.

24 [10] THE REQUIREMENTS OF THIS BUFFER SECTION ARE NOT
25 APPLICABLE TO:

26 [A] AN IN-KIND REPLACEMENT OF A PRINCIPAL

STRUCTURE; OR

[B] LAND THAT REMAINS IN AGRICULTURAL USE
AFTER SUBDIVISION IN ACCORDANCE WITH A
BUFFER MANAGEMENT PLAN PER APPENDIX K.

[11] Buffer exempt areas. The following provisions apply to shoreline areas that have been identified as buffer exempt areas in the Harford County Critical Area Program as shown on the buffer exempt area maps attached hereto and incorporated herein by reference. Buffer exempt areas are those lots of record as of December 1, 1985 where the pattern of residential, industrial, commercial or recreational development prevents the buffer from fulfilling its intended purposes as stated in COMAR 27.01.09.01.[B]C. For purposes of this buffer exempt area section, development refers to sites with less than 15% existing impervious surface and redevelopment pertains to sites with 15% OR greater [than 15%] existing impervious surface.

[a] For single-family, detached residential areas designated as buffer exempt areas, construction or placement of new or accessory structures, minor additions and associated new impervious surfaces on developed lots or parcels is permitted in the buffer provided that:

[i] The applicant can demonstrate that there is no feasible alternative for the location of the new development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems.

[ii] New development or redevelopment shall minimize the

shoreward extent of intrusion into the buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the local setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 25 feet from the water (or the edge of tidal wetlands).

[iii] Existing principal or accessory structures in the buffer may be replaced in the same location. Any increase in impervious area within the buffer shall comply fully with the requirements of this section.

[iv] New accessory structures may be permitted in the buffer in accordance with the following setback requirements:

[A] New accessory structures may be located closer to the water or edge of tidal wetlands than the dwelling only if there are no other locations for the accessory structures;

[B] The area of the accessory structures within the buffer shall be minimized and the cumulative total area of all new and existing accessory structures within the buffer shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total; and

[C] In no case shall new accessory structures be

located less than 25 feet from the water or edge
of tidal wetlands.

[v] Variances to other setback requirements have been
considered before additional development within 100
feet of mean high tide is approved.

[vi] No natural vegetation may be removed in the buffer
except that required by proposed construction. The
applicant will be required to maintain any other existing
natural vegetation in the buffer. [Any clearing of trees
or other removal of vegetation shall be completed
consistent with § 267-63G(4) above.]

[vii] Development does not impact any other habitat
protection areas other than the buffer, including
nontidal wetlands, other state and federal permits
notwithstanding.

[viii] Buffer exempt area designations shall not be used to
facilitate the filling of tidal wetlands that are contiguous
to the buffer to create additional buildable land for new
development or redevelopment.

[ix] Any development in the buffer exempt area requires
mitigation in the form of plantings, offsets or fees in
lieu.

[A] Natural vegetation of an area twice the extent
of the footprint of the development activity
within the 100-foot buffer shall be planted on
site in the buffer or other location as may be

determined by the Director of Planning. If it is not possible to carry out offsets or other mitigation within the Critical Area, any planting or other habitat/water quality improvements should occur within the affected watershed.

[B] Applicants who cannot comply with the planting requirements may use offsets to meet the mitigation requirement. Offsets may include the removal of an equivalent area of existing impervious surfaces in the buffer, the construction of best management practices for stormwater, wetland creation or restoration or other measures approved by the Director of Planning that improve water quality or habitat.

[C] Applicants who cannot comply with either the planting or offset requirements above on site or off site within the Critical Area shall pay a fee in lieu of \$1.20 per square foot for the area to be planted.

[D] Any required reforestation, mitigation or offset areas must be designated under a development agreement or other instrument and recorded among the Land Records.

[E] The County may establish regional areas for plantings and/or stormwater management

1 facilities to fulfill the water quality and wildlife
2 habitat functions of the Critical Area buffer for
3 those areas which have been exempted from the
4 buffer exempt area provisions using the fee in
5 lieu paid. Monies contributed under this
6 section shall be deposited in a separate account
7 and shall be used for site identification,
8 acquisition, design, preparation, [and] planting
9 AND MONITORING of vegetation at selected
10 regional water quality and wildlife
11 improvement areas and shall not revert to the
12 general fund.

13 [b] For commercial, industrial, institutional, recreational and multi-
14 family residential areas designated as buffer exempt areas,
15 construction or placement of new structures and associated new
16 impervious surfaces on developed parcels in the buffer is
17 permitted provided that:

18 [i] The applicant can demonstrate that there is no feasible
19 alternative for the location of the new developed or
20 redeveloped activity, including structures, roads,
21 parking areas and other impervious surfaces or septic
22 systems.

23 [ii] The applicant can demonstrate that efforts have been
24 made to minimize buffer impacts by locating activities
25 as far as possible from mean high tide, the landward
26 edge of tidal wetlands or the edge of tributary streams,

1 and variances to other local setback requirements have
2 been considered before additional intrusion into the
3 buffer. Convenience or expense shall not be factors
4 considered when evaluating the extent of allowable
5 impacts to the buffer.

6 [iii] New development, including accessory structures, shall
7 minimize the extent of intrusion into the buffer. New
8 development shall not be located closer to the water (or
9 edge of tidal wetlands) than the zoning district setback
10 or 50 feet, whichever is greater[.]. [s]Structures on
11 adjacent properties shall not be used to determine the
12 setback line. The 50-foot setback shall be maintained
13 for all subsequent development or redevelopment of the
14 property.

15 [iv] Redevelopment, including accessory structures, shall
16 minimize the extent of intrusion into the buffer.
17 Redevelopment shall not be located closer to the water
18 (or edge of tidal wetlands) than the zoning district
19 setback or 25 feet, whichever is greater. Structures on
20 adjacent properties shall not be used to determine the
21 setback line. Existing structures located within the 25-
22 foot setback may remain. A new structure may be
23 constructed on the footprint of an existing structure or
24 impervious surface if it complies with all of the
25 setbacks of this section and other applicable district
26 regulations. Opportunities to establish a 25-foot

setback should be maximized.

[v] Development and redevelopment may not impact any habitat protection areas other than the buffer, including nontidal wetlands, other state or federal permits notwithstanding.

[vi] No natural vegetation may be removed in the buffer except that required by the proposed construction. The applicant will be required to maintain any other existing natural vegetation in the buffer.

[vii] Buffer exempt area designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the buffer or to create additional buildable land for new development or redevelopment.

[viii] Any development or redevelopment in the buffer exempt area requires mitigation in the form of plantings, offsets or fees in lieu.

[A] A forested or landscaped buffer yard, 25 feet wide, shall be established on the project site between the development and the water. This buffer yard shall be densely planted with trees and shrubs.

[B] On redevelopment sites, if existing structures or those rebuilt on an existing footprint limit the area available for planting, then appropriate modifications to the width of the planted buffer yard may be made on a case-by-case basis as

approved by the Director of Planning.

[C] In addition to the 25-foot buffer yard, natural forest vegetation of an area twice the extent of the footprint of the development activity shall be planted within the 100-foot buffer on site or at another location, preferably on site.

[D] Applicants who cannot comply with the planting requirements in Subsection [C] above may use offsets to meet mitigation requirements, such as removal of an equivalent area of existing impervious surfaces in the buffer, the construction of best management practices for stormwater, wetland creation or restoration or other measure approved by the Director of Planning that improve water quality or habitat. If it is not possible to carry out offsets or other mitigation within the Critical Area, any planting or other habitat/water quality improvements should occur within the affected watershed.

[E] Applicants who cannot comply with either the planting or offset requirements shall pay a fee in lieu of \$1.20 per square foot for the area to be planted.

[F] Any required reforestation/mitigation offset areas must be designated under a development

1 agreement or other instrument and recorded
2 among the Land Records.

3 [G] The County may establish regional areas for
4 plantings and/or stormwater management
5 facilities to fulfill the water quality and wildlife
6 habitat functions of the Critical Area buffer for
7 those areas which have been exempted from the
8 buffer exempt area planting provisions and use
9 the fee in lieu alternative. Monies contributed
10 under this section shall be deposited in a
11 separate account and shall be used for site
12 identification, acquisition, design, preparation,
13 [and] planting AND MONITORING of
14 vegetation at selected regional water quality
15 and wildlife improvement areas and shall not
16 revert to the general fund.

17 (b) Nontidal wetlands.

18 [1] A 75-foot buffer shall be established adjacent to nontidal wetlands.

19 [2] Development activities shall not be permitted in nontidal wetlands or
20 the 75-foot nontidal wetland buffer, except for permitted development
21 associated with water-dependent facilities as listed in Subsection F(6)
22 of this section.

23 [3] Existing farm ponds and other existing man-made bodies of water for
24 the purpose of impounding water for agriculture, water supply,
25 recreation or waterfowl habitat are specifically excluded from coverage
26 by the provisions of this district.

1 [4] Development activities in the drainage areas to nontidal wetlands shall
2 not adversely affect the quality or quantity of surface or subsurface flow
3 to the nontidal wetland so as to adversely affect its water quality and
4 protection of fish, plant or wildlife habitat value.

5 [5] The location of stormwater management measures is not allowed in
6 nontidal wetlands and the 75-foot nontidal wetland buffer unless it is
7 demonstrated, and only if the Director of Planning concurs, that there is
8 no other technically feasible location and that the water quality benefits
9 of the measures outweigh the adverse impacts on water quality and
10 plant and wildlife habitat values of the nontidal wetlands affected. In
11 determining the adverse impacts of the location of such facilities,
12 consideration can be given to the compensatory value of mitigation
13 measures proposed to replace the lost water quality and habitat value of
14 the affected nontidal wetlands. All federal and state wetland permits
15 must be obtained.

16 (c) Habitats of state-designated threatened or endangered species or species in need
17 of conservation, designated natural heritage areas and habitats of local
18 significance.

19 [1] Development activity and other land disturbances shall be prohibited in
20 state-designated natural heritage areas, state-designated habitats of
21 threatened and endangered species and species in need of conservation
22 or identified habitats of local significance. Subject to the review of a
23 site-specific study prepared in consultation with the Department of
24 Natural Resources, the Director of Planning may approve development
25 activities or disturbances if it can be shown that the proposed activities
26 will not have or cause adverse impacts on the identified habitats.

[2] Forest management plans and soil and water conservation plans developed for forestry or agricultural operations within such protection areas shall include measures to protect the integrity of these habitats.

[3] THE PROCESS FOR THE DESIGNATION OF NEW HABITATS SHALL BE IN ACCORDANCE WITH COMAR 27.01.09.04C(2)(C).

(d) Colonial waterbird nesting sites.

[1] A minimum 1/4-mile protection area buffer shall be established around any identified colonial waterbird nesting sites unless, subject to the review of a site-specific study prepared in conjunction with the Department of Natural Resources, it can be shown that development activity or disturbances will not have or cause adverse impacts on the identified habitats. Any development activities or other disturbances which are allowed should not occur during the nest-building and incubation periods, approximately February through April.

[2] Noise from construction or development activities should be minimized during the breeding season of February through April in areas adjacent to the 1/4-mile protection area buffer in order to avoid adverse impacts on nesting colonial waterbirds. The applicant is required to contact the Department of Natural Resources for information on the specific breeding seasons.

(e) Riparian forests and other forested areas utilized as breeding habitat by forest interior dwelling species. The following management practices shall be followed in the case of development, forest operations or other activities in areas identified as breeding habitat for forest interior dwelling species in accordance with the procedures specified in the technical report, A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area (Appendix

[N] J of the Harford County Chesapeake Bay Critical Area Management Program):

- [1] Minimize disturbance during the May-August breeding season.
- [2] Locate development or other activities that would cause disturbance to the forested areas such as roads, utility line corridors, structures and intensive timber harvesting on the periphery of the site.
- [3] To the maximum extent feasible, retain the forest canopy and trees and shrubs underneath the canopy. [A timber harvest within forest interior dwelling species habitat shall not open the canopy by more than 30%.]
- [4] Timber harvesting shall be undertaken utilizing techniques which help to maintain or improve habitat for forest interior dwelling species. The Department of Natural Resources shall be consulted for advice on the use of proper techniques prior to any timber harvesting operations.

(f) Anadromous fish propagation waters. The following management measures shall apply to any streams identified as anadromous fish propagation waters:

- [1] The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams shall be prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
- [2] Channelization or other physical alterations which may change the course or circulation of a stream shall be prohibited.
- [3] Construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams shall be prohibited.
- [4] The construction, repair or maintenance activities associated with bridges or other stream crossings or with utilities and roads which

involve disturbance within the Critical Area buffer or which occur in
streams shall be prohibited between March 1 and June 15.

[5] All proposed in-stream construction projects shall maintain the natural
stream channel bottom and predevelopment conditions.

H. Variances.

(1) Variances from the provisions of this section may only be granted if, due to special
features of a site or other circumstances, implementation of this section or a literal
enforcement of its provisions would result in unwarranted hardship (See [Subsection
H(4)] SUBSECTION H(5) below) to an applicant.

(2) All applications for variances shall be reviewed by the Director of Planning for
conformance with applicable provisions of this section, and a written report shall be
provided to the Board of Appeals.

(3) AN APPLICATION FOR A VARIANCE TO LEGALIZE A VIOLATION OF THIS
SECTION, INCLUDING ANY UNPERMITTED STRUCTURE OR
DEVELOPMENT ACTIVITY, MAY NOT BE ACCEPTED UNLESS THE
DEPARTMENT OF PLANNING AND ZONING FIRST ISSUES A NOTICE OF
VIOLATION FOR THE VIOLATION, PER SUBSECTION P.

[(3)](4) In granting a variance, the Board shall issue written findings demonstrating that the
requested approval complies with each of the following conditions:

(a) That special conditions or circumstances exist that are peculiar to the land or
structure within the County's Critical Area, and a literal enforcement of the
Critical Area program would result in an unwarranted hardship.

(b) That a literal interpretation of the provisions of this section will deprive the
applicant of rights commonly enjoyed by other properties in similar geographic
and land use management areas within the Critical Area.

(c) That the granting of a variance will not confer upon the applicant any special

1 privilege that would be denied by this section to other lands or structures within
2 the Critical Area.

3 (d) That the variance request is not based upon conditions or circumstances which
4 are the result of actions by the applicant, nor does the request arise from any
5 condition relating to land or building use, either permitted or nonconforming,
6 on any neighboring property.

7 (e) That the granting of a variance will not adversely affect water quality or
8 adversely impact fish, wildlife or plant habitat within the Critical Area, and the
9 granting of the variance will be in harmony with the [purpose] SPIRIT and
10 intent of this section.

11 (f) That all identified habitat protection areas on or adjacent to the site have been
12 protected by the proposed development and implementation of either on-site or
13 off-site programs.

14 [(g) That the growth allocation for the County will not be exceeded by the granting
15 of the variance.

16 (h))(G) That the variance will not be substantially detrimental to adjacent properties or
17 will not materially impair the purpose of this Part 1 or the public interest.

18 [(4))(5) For purposes of this subsection, "unwarranted hardship" means that without a variance,
19 an applicant would be denied reasonable and significant use of the entire parcel or lot
20 for which the variance is requested. In considering whether unwarranted hardship
21 exists, the County must consider the following:

22 (a) The County shall presume that the specific development activity in the Critical
23 Area that is subject to the application and for which a variance is required does
24 not conform with the general purpose and intent of the Natural Resources
25 Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the
26 County's Critical Area Program.

1 (b) If the variance request is based on conditions or circumstances that are the
2 result of actions by the applicant, [including the commencement of
3 development activity before an application for a variance has been filed,] the
4 County [may] SHALL consider that fact.

5 (c) An applicant has the burden of proof and the burden of persuasion to overcome
6 the presumption of nonconformance established in [Subsection H(4)(a)]
7 SUBSECTION H(5)(A) above.

8 (d) Based on competent and substantial evidence, the County shall make written
9 findings as to whether the applicant has overcome the presumption of
10 nonconformance as established above.

11 (e) With due regard for the person's experience, technical competence and
12 specialized knowledge, the written findings may be based on evidence
13 introduced and testimony presented by:

14 [1] The applicant;

15 [2] The County or any other government agency; or

16 [3] Any other person deemed appropriate by the County.

17 (6) IF AN ACTIVITY OR STRUCTURE FOR WHICH A VARIANCE IS
18 REQUESTED COMMENCED WITHOUT PERMITS OR APPROVALS, AND
19 DOES NOT MEET EACH OF THE VARIANCE CRITERIA UNDER THIS
20 SUBSECTION, THE VARIANCE REQUEST SHALL BE DENIED AND THE
21 STRUCTURE MUST BE REMOVED OR RELOCATED AND THE AFFECTED
22 RESOURCES RESTORED.

23 [(5)](7) All applications for variance requests shall be filed in writing in accordance with § 267-
24 9D (Board of Appeals, Filings) of the Zoning Code, as amended. Notice of all variance
25 requests and copies of applications filed in accordance with this section shall be sent to
26 the Chesapeake Bay Critical Area Commission within 10 calendar days of filing with

1 the Department of Planning and Zoning. A copy of the recommendation of the hearing
2 examiner or of the Board in acting on the variance shall be [promptly] sent to the
3 Commission WITHIN 10 DAYS.

4 (8) A PERMIT FOR THE ACTIVITY THAT WAS THE SUBJECT OF THE
5 VARIANCE APPLICATION MAY NOT BE ISSUED UNTIL THE APPLICABLE
6 30-DAY APPEAL PERIOD HAS ELAPSED.

7 I. Special exceptions. All projects requiring approval as special exceptions within the Critical
8 Area must meet the standards of this section. The Director of Planning may require such
9 additional information, studies or documentation deemed necessary to ensure that applicable
10 requirements of this district are met. Applications will not be considered complete for
11 processing until all information as required by the Director of Planning has been received.

12 J. Nonconforming uses and structures. Subject to those requirements governing nonconforming
13 uses or structures contained in § 267-20 (Nonconforming buildings, structures and uses) of the
14 Harford County Code, as amended, any use or structure in existence, as of the date of the
15 enactment of this section, shall be allowed to continue as originally built and utilized. Any
16 intensification or expansion of such existing nonconforming uses or structures shall only be
17 allowed subject to the approval of a variance along with all necessary findings, as described in
18 Subsection H of this section.

19 K. Grandfathering provisions. Notwithstanding the density provisions of Subsection F(3)(c) of
20 this section, the following development activities shall be allowed in the Critical Area, provided
21 that the development activity conforms to all applicable provisions for the protection of
22 identified habitat protection areas, for the development of water-dependent facilities and for
23 adequate stormwater management measures, including the limitation of [impervious surfaces]
24 LOT COVERAGE in LDA and RCA in accordance with Subsections F(3)(b) and F(3)(c) of
25 this section, AND THAT THE DEVELOPMENT ACTIVITY CONFORMS TO THE
26 REMAINING PROVISIONS OF THIS SECTION TO THE MAXIMUM EXTENT

POSSIBLE:

- (1) Construction of a single-family dwelling on an undeveloped, legal parcel of land or lot of record that existed as of December 1, 1985.
- (2) Construction of subdivisions that received final approval prior to June 1, 1984, provided that lots not individually owned are consolidated or reconfigured to comply with the provisions of [this section to the maximum extent possible] SUBSECTION L BELOW.
- (3) Construction of subdivisions which received final approval between June 1, 1984, and December 1, 1985.
- (4) Construction of subdivisions which received final approval after December 1, 1985, and prior to the date of approval of this section. Such subdivisions shall be consistent with the provisions of this section, or the development of these areas must utilize a portion of the County's growth allocation.
- (5) The expansion by no more than 50% of commercial uses on parcels designated as limited development areas because they did not meet the minimum 20-acre size required for IDA designation.

L. LOT CONSOLIDATION AND RECONFIGURATION. CONSOLIDATION OR RECONFIGURATION OF GRANDFATHERED LOTS, AS IDENTIFIED IN SUBSECTION K, MUST COMPLY WITH THE FOLLOWING:

- (1) AN APPLICATION FOR THE CONSOLIDATION OR RECONFIGURATION OF LOTS SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:
 - (A) THE DATE OF RECORDATION OF EACH LEGAL PARCEL OF LAND OR RECORDED, LEGALLY BUILDABLE LOT TO BE CONSOLIDATED OR RECONFIGURED;
 - (B) A PLAN DRAWN TO SCALE AND SHOWING ALL EXISTING AND PROPOSED PARCEL OR LOT BOUNDARIES;

- 1 (C) A TABLE THAT LISTS THE NUMBER OF ALL LEGAL PARCELS OF
2 LAND OR RECORDED, LEGALLY BUILDABLE LOTS AND THE
3 NUMBER OF PROPOSED PARCELS OR LOTS TO BE DERIVED; AND
4 (D) INFORMATION SUFFICIENT TO MAKE FINDINGS SET FORTH IN
5 SUBSECTION (2) BELOW.

- 6 (2) AN APPLICATION FOR LOT CONSOLIDATION OR RECONFIGURATION
7 MAY NOT BE APPROVED UNLESS THE FOLLOWING WRITTEN FINDINGS
8 CAN BE MADE:

- 9 (A) THE PROPOSAL WILL NOT RESULT IN A GREATER NUMBER OF
10 LOTS, PARCELS OR DWELLING UNITS IN THE CRITICAL AREA
11 THAN THE CONFIGURATION IN EXISTENCE AT THE TIME OF
12 APPLICATION WOULD ALLOW;

- 13 (B) IN THE LIMITED DEVELOPMENT AREA OR RESOURCE
14 CONSERVATION AREA, THE PROPOSAL:

- 15 [1] WILL NOT RESULT IN GREATER LOT COVERAGE THAN
16 DEVELOPMENT ACTIVITIES WITHIN THE CONFIGURATION
17 IN EXISTENCE AT THE TIME OF APPLICATION WOULD
18 ALLOW; AND

- 19 [2] WILL NOT RESULT IN GREATER IMPACT TO A STEEP SLOPE
20 THAN DEVELOPMENT ACTIVITIES WITHIN THE LOT
21 CONFIGURATION IN EXISTENCE AT THE TIME OF
22 APPLICATION WOULD ALLOW, IF THAT STEEP SLOPE IS
23 LOCATED OUTSIDE THE BUFFER OR EXPANDED BUFFER;

- 24 (C) THE PROPOSAL WILL NOT:

- 1 [1] CREATE AN ADDITIONAL RIPARIAN PARCEL OR LOT,
2 WATERFRONT LOT OR ANY OTHER PARCEL OR LOT
3 DEEDED WITH WATER ACCESS; OR
- 4 [2] INTENSIFY OR INCREASE IMPACTS ASSOCIATED WITH
5 RIPARIAN ACCESS;
- 6 (D) THE PROPOSAL WILL NOT CREATE:
- 7 [1] A PARCEL, LOT OR PORTION OF A PARCEL OR LOT THAT
8 WILL SERVE DEVELOPMENT ACTIVITIES OUTSIDE THE
9 CRITICAL AREA; OR
- 10 [2] A RESOURCE CONSERVATION AREA PARCEL OR LOT THAT
11 WILL SERVE DEVELOPMENT ACTIVITIES IN THE
12 INTENSELY DEVELOPED AREA OR LIMITED
13 DEVELOPMENT AREA;
- 14 (E) THE PROPOSAL IDENTIFIES EACH HABITAT PROTECTION AREA
15 ON SITE, AND, IF THE PROPOSAL IMPACTS A HABITAT
16 PROTECTION AREA, THE PROPOSED PROTECTIVE AND
17 RESTORATION MEASURES PROVIDE FOR THE LEAST POSSIBLE
18 ADVERSE IMPACT;
- 19 (F) THE PROPOSAL:
- 20 [1] WILL NOT RESULT IN A GREATER IMPACT TO A HABITAT
21 PROTECTION AREA THAN THE IMPACT THAT WOULD
22 RESULT FROM DEVELOPMENT ACTIVITIES WITHIN THE
23 CONFIGURATION IN EXISTENCE AT THE TIME OF
24 APPLICATION; AND
- 25 [2] WILL MINIMIZE ADVERSE IMPACTS TO THE HABITAT
26 PROTECTION AREA;

- 1 (G) THE PROPOSAL PROVIDES:
- 2 [1] STORMWATER MANAGEMENT FOR ALL PROPOSED
- 3 DEVELOPMENT ACTIVITIES; AND
- 4 [2] BENEFITS TO FISH, WILDLIFE AND PLANT HABITAT THAT
- 5 ARE CLEARLY IDENTIFIED; AND
- 6 (H) THE PROPOSAL FULLY COMPLIES WITH THE AFFORESTATION
- 7 AND REFORESTATION REQUIREMENTS IN THIS SECTION, UNLESS
- 8 CLEARING IS NECESSARY TO AVOID A HABITAT PROTECTION
- 9 AREA.
- 10 3) FINAL WRITTEN DECISION OR ORDER.
- 11 (A) THE DEPARTMENT OF PLANNING AND ZONING SHALL ISSUE A
- 12 FINAL WRITTEN DECISION OR ORDER GRANTING OR DENYING
- 13 AN APPLICATION FOR A CONSOLIDATION, RECONFIGURATION, A
- 14 MODIFICATION OR A RECONSIDERATION OF A PROPOSAL.
- 15 (B) A COPY OF THE FINAL WRITTEN DECISION, AND A COPY OF THE
- 16 APPROVED DEVELOPMENT PLAN, SHALL BE SENT BY U.S. MAIL
- 17 TO THE CRITICAL AREA COMMISSION WITHIN 10 BUSINESS DAYS
- 18 OF THE FINAL DECISION.
- 19 (C) A PERMIT OR APPROVAL OF ANY TYPE MAY NOT BE ISSUED BY
- 20 THE DEPARTMENT OF PLANNING AND ZONING ON A PROPERTY
- 21 AFFECTED BY THE FINAL WRITTEN DECISION OR ORDER UNTIL
- 22 AFTER A 30-DAY APPEAL PERIOD AFFORDED THE CRITICAL
- 23 AREA COMMISSION IN ACCORDANCE WITH COMAR 27.01.02.08G.
- 24 (4) MINOR LOT LINE ADJUSTMENTS OF 10 FEET OR LESS BETWEEN 2
- 25 NONCONFORMING LOTS OF RECORD ARE EXEMPT FROM SUBMITTAL
- 26 TO THE CRITICAL AREA COMMISSION.

(5) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A CONFORMING
PARCEL OR LOT.

[L.]M. Amendments to management area boundaries and general program amendments. As defined in this section, the boundaries shown on the Critical Area Maps depicting the Critical Area land use management areas (IDA, LDA, RCA), and provisions in the Critical Area program, may require amendment from time to time. All such amendments or changes shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this subsection:

(1) For purposes of this section, the following definitions apply:

PROGRAM AMENDMENT - Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a program refinement.

PROGRAM REFINEMENT - Any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the adopted program or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

- (a) A change to an adopted program that results from state law;
- (b) A change to an adopted program that affects local processes and procedures;
- (c) A change to a local ordinance or code that clarifies an existing provision; and
- (d) A minor change to an element of an adopted program that is clearly consistent with the provisions of state Critical Area Law and all the criteria of the Commission.

(2) General procedures.

- (a) The County Council may propose changes or amendments to the boundaries as shown on the Critical Area Maps. The basis for approval of such amendments

shall be due to:

[1] A mistake in the original designation of a management area; or

[2] The periodic review of the overall management program; or

[3] A request for a growth allocation.

(b) All proposed amendments shall be reviewed in accordance with the procedures and standards of this subsection. In addition, all proposed amendments to the County's Critical Area program, including, but not limited to, the Zoning Code, Subdivision Regulations and Critical Area Maps, shall be consistent with the purposes, policies, goals and provisions of the Critical Area Law and all criteria of the Critical Area Commission.

(c) Application submittal. All applications for amendments shall be reviewed in the following manner:

[1] Amendments involving a growth allocation or other amendment request shall be submitted to the Department of Planning and Zoning. The Department of Planning and Zoning shall hold a pre-application meeting with the applicant and shall notify the applicant in writing of the sufficiency of their application within 30 calendar days of receipt of the application. The Department of Planning and Zoning shall present a report with a recommendation on the proposed amendment to the Planning Advisory Board (PAB) and the Environmental Advisory Board (EAB) within 90 calendar days of the determination of a complete application. The PAB and EAB shall transmit their recommendations on the proposed amendment to the County Council within 90 calendar days of receipt of the Planning and Zoning staff report. The Department of Planning and Zoning shall present a staff report with a recommendation on the amendment to the County

Council concurrent with the PAB recommendation.

[2] If the Department of Planning and Zoning determines that an application is insufficient, the applicant shall submit whatever additional information the Department requires within 30 calendar days from the time of notification of insufficiency. If the required information is not submitted within 30 calendar days, the application shall be considered void.

[3] The County Council shall hold a public hearing on the proposed amendment. The Department of Planning and Zoning shall publish notice of the date, time and place of the hearing at least once in at least 2 newspapers published in the County at least 2 weeks prior to the hearing date and shall send notice of the hearing a minimum of 2 weeks prior to the hearing to all property owners whose land is immediately adjacent to or lies wholly or in part within the proposed amendment area. At any time after the hearing, the Council may approve or deny these proposed amendments.

[4] All amendments approved by the Council shall be forwarded to the Critical Area Commission within 30 calendar days of the Council's final action. No amendment shall be considered final pending action by the State of Maryland Critical Area Commission.

[5] The Chairman, and as appropriate, the Commission, shall determine if the requests for program changes are consistent with the purposes, policies, goals and provisions of the Critical Area Law and all criteria of the Commission.

[6] In accordance with the determination of consistency as outlined in [Subsection L(2)(c)[5]] SUBSECTION M(2)(C)[5] above, the

Chairman of the Critical Area Commission, or as appropriate, the Commission, shall approve the proposed program refinement or amendment and notify the County, deny the proposed program refinement or amendment, approve the proposed program refinement or amendment subject to one or more conditions or return the proposed program refinement or amendment to the County with a list of changes to be made.

(d) Information required. At a minimum, all applications for amendments shall include the following information:

[1] The proposed boundaries of the amendment request showing the existing and proposed boundaries of the management area.

[2] A written justification describing how the proposed amendment conforms to the objectives of the County's Critical Area management program and addresses the required findings for the management area where the project is to be located as specified below.

[a] The Director of Planning shall require additional materials as may be necessary for the review of the proposed amendments. For those amendments involving a growth allocation request, [the information required for concept plan or preliminary plan approval as listed in the Subdivision Regulations shall be submitted,] SUBMITTAL REQUIREMENTS CAN BE FOUND IN COMAR 27.01.02.05-1 AND COMAR 27.01.02.05-2, including factors listed in [Subsection M] SUBSECTION N of this section. For amendments involving the correction of a mistake in the original designation, the applicant shall also provide a statement specifying the mistake

1 in the original designation of a land use management area that
2 makes the proposed amendment necessary.

3 [b] All relevant information necessary for the Chairman of the
4 Commission, and as appropriate, the Commission, to evaluate
5 the changes.

6 (3) Fees. The following fee schedule shall apply to all applications for amendments to
7 management area boundaries:

8 (a) Publication and posting fee: \$200.00.

9 (b) Filing fee (all projects): \$500.00.

10 (c) Plus \$15.00 per acre or portion of an acre within the Critical Area of Harford
11 County.

12 (4) If the Council takes action to deny a growth allocation or boundary mistake argument,
13 the applicant may not submit an application for the same request for 2 years following
14 the decision unless a significant change has been made in the ownership or site
15 conditions.

16 [M.]N. Expansion of intensely developed and limited development management areas.

17 (1) General requirements. The boundaries of the intensely developed and limited
18 development management area, as shown on each Zoning Map overlay, may be
19 expanded in accordance with the following procedures for use of a portion of the
20 County's growth allocation:

21 (a) Acreage. The total area of expansion shall not exceed an area equal to 5% of
22 that portion of the total land in the County's resource conservation management
23 area that is not designated tidal wetlands. No more than 1/2 of the allocated
24 expansion shall occur in areas shown in the resource conservation management
25 area.

26 (b) Location. Expansion of the intensely developed or limited development

management areas may be approved subject to the following locational criteria:

[1] New LDA shall be located adjacent to an existing limited development area or intensely developed management area. New intensely developed areas shall be located in a LDA or adjacent to an existing IDA or are an existing grandfathered commercial, industrial or institutional use that existed as of the date of the original local program approval.

[2] Such areas shall be located at least 300 feet from tidal waters or tidal wetlands if the land was originally designated in the original resource conservation management area, unless the Director of Planning [certifies that a critical area buffer less than 300 feet in width is adequate to protect water quality and fish, plant and wildlife habitat.] PROPOSES, AND THE CRITICAL AREA COMMISSION APPROVES, ALTERNATIVE MEASURES FOR ENHANCEMENT OF WATER QUALITY AND HABITAT THAT PROVIDE GREATER BENEFITS TO THE RESOURCES.

[3] Such areas shall incorporate measures to protect water quality and identified habitat protection areas located on or adjacent to the proposed expansion areas.

[4] Such areas shall minimize impacts to habitat protection areas and lands in resource conservation management areas in proximity to such an expanded limited development or intensely developed area.

(2) Additional requirements. All projects granted a growth allocation shall conform to the following additional standards:

(a) All forested area removed shall be replaced on a square-footage basis in accordance with the procedures specified in § 267-63 (Chesapeake Bay Critical

Area Overlay District) of the Zoning Code, as amended, and the Forest Management Guide. If such replacement is not feasible, fee in lieu must be paid to the County in accordance with the procedures specified in this section.

(b) Pollutant loadings associated with developments granted growth allocations shall be managed according to the levels required for the land use management area amendment. In the case of a new intensely developed area, such loadings shall be reduced 10% from predevelopment levels. The procedures contained in the technical report entitled "Critical Area 10% Rule Guidance Manual, Fall 2003" (Appendix [C] B of the Harford County Critical Area Management Program, as amended) shall be used to determine the amount of reduction required and what specific measures are needed to meet these requirements.

(c) Development on slopes greater than 15% as measured prior to development shall be prohibited.

(d) Development on soils with development constraints, i.e., highly erodible soils, soils with severe septic constraints, hydric soils and soils with hydric inclusions as listed in Table 63-1, shall be restricted. Director of Planning may permit development on such soils if adequate mitigation measures are applied to address the identified constraints and to avoid significant adverse impacts on water quality or fish, plant or wildlife habitats.

(3) Standards for review of expansion projects.

(a) Project review criteria. In addition to the requirements listed in [Subsections M(1) and (2)] SUBSECTIONS N(1) AND (2) above, all projects requesting an expansion of the IDA and LDA as a growth allocation shall be reviewed and evaluated for their conformance with the following factors:

[1] CONSISTENCY WITH THE HARFORD COUNTY
COMPREHENSIVE PLAN AND WHETHER THE GROWTH

1 ALLOCATION WOULD IMPLEMENT THE GOALS AND
2 OBJECTIVES OF THE PLAN;

3 [2] FOR NEW IDA AREAS, WHETHER THE DEVELOPMENT IS:
4 [A] TO BE SERVED BY A PUBLIC WASTEWATER
5 SYSTEM;

6 [B] TO HAVE AN ALLOWED AVERAGE DENSITY OF AT
7 LEAST 3.5 UNITS PER ACRE;
8 [C] TO BE LOCATED IN A PRIORITY FUNDING AREA IF
9 THE IDA IS GREATER THAN 20 ACRES; AND

10 [D] TO HAVE A DEMONSTRABLE ECONOMIC BENEFIT;
11 [3] FOR NEW LDA AREAS, WHETHER THE DEVELOPMENT IS:
12 [A] TO BE SERVED BY A PUBLIC WASTEWATER SYSTEM
13 OR SEPTIC SYSTEM THAT USES THE BEST
14 AVAILABLE NITROGEN REMOVAL TECHNOLOGY;

15 [B] A COMPLETION OF AN EXISTING SUBDIVISION;
16 [C] AN EXPANSION OF AN EXISTING BUSINESS;
17 [D] TO BE CLUSTERED;

18 [4] THE USE OF EXISTING PUBLIC INFRASTRUCTURE, WHERE
19 PRACTICABLE;

20 [5] CONSISTENCY WITH STATE AND REGIONAL
21 ENVIRONMENTAL PROTECTION POLICIES CONCERNING
22 THE PROTECTION OF THREATENED AND ENDANGERED
23 SPECIES AND SPECIES IN NEED OF CONSERVATION THAT
24 MAY BE LOCATED ON OR OFF-SITE;

25 [6] IMPACTS ON A PRIORITY PRESERVATION AREA, AS
26 DEFINED UNDER § 2-518 OF THE AGRICULTURE ARTICLE;

[7] ENVIRONMENTAL IMPACTS ASSOCIATED WITH
WASTEWATER AND STORMWATER MANAGEMENT
PRACTICES AND WASTEWATER AND STORMWATER
DISCHARGES TO TIDAL WATER, TIDAL WETLANDS AND
TRIBUTARY STREAMS;

[8] ENVIRONMENTAL IMPACTS ASSOCIATED WITH LOCATION
IN A COASTAL HAZARD AREA OR AN INCREASED RISK OF
SEVERE FLOODING ATTRIBUTABLE TO THE PROPOSED
DEVELOPMENT;

[[1]][9] The amount of forested area and other vegetative cover that is left
undisturbed and in a natural state on the site[.];

[[2]][10] Additional public improvements and the specific nature of such
improvements that will be provided with the proposed development
(Examples of these would include public access facilities to waterfront
areas, acceleration of the provision of public water and sewer service to
areas with existing health problems, dedication of lands for public park
purposes, etc.)[.]; AND

[[3]][11] Use of innovative site design and construction design features
to minimize the disturbance of natural areas and reduce potential
impacts on habitat protection areas and adjacent communities and RCA
areas. These features could include, but are not limited to:

- [a] The use of cluster development;
- [b] The use of shallow-marsh creation stormwater management
measures;
- [c] The use of buffer areas to minimize impacts on existing
habitats and wildlife corridors and protect adjacent natural and

developed areas from impacts of the proposed development;

[d] The use of appropriate landscaping plans and materials to enhance the establishment of vegetated buffer areas on the project site;

[e] The use of conservation easements to permanently protect natural areas; and

[f] The use of low-impact development (LID) practices. LID practices are described in the following documents, which are hereby incorporated by reference: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, The Practice of Low Impact Development (July 2003); Prince George's County, Maryland Department of Environmental Resources, Low-Impact Development Design Strategies: An Integrated Design Approach (June 1999); and Prince George's County, Maryland Department of Environmental Resources, Low-Impact Development Hydrologic Analysis (July 1999). Low-impact development techniques are encouraged as environmentally sensitive development credits in the 2000 Maryland Stormwater Management Design Manual, Volumes I and II.

(b) Annexation areas. Any area proposed for annexation by a municipality where the proposed use on the parcel requires a change in the land use management area (i.e., RCA to LDA or IDA, etc.) shall be subject to all the procedures for growth allocation as specified in this section.

(4) SUBMITTAL REQUIREMENTS FOR GROWTH ALLOCATION PROJECTS – REFER TO § 267-63M(2)(D).

[N.]O. Comprehensive review of the Critical Area program.

- (1) The Critical Area program shall be reviewed at least every 6 years, and the County Council shall propose any necessary amendments to the program or its adopted maps.

The basis for approval of such amendments shall be due to:

- (a) Updated resource inventory.
- (b) Refinement of program for better consistency with the State Critical Area Criteria.
- (c) Refinement of program for more effective protection of natural resources within the Critical Area.

- (2) General procedures. All such amendments or changes shall be reviewed in accordance with the following procedures and shall conform to the required standards as outlined in this subsection:

- (a) The Department of Planning and Zoning shall submit program amendments to the Planning Advisory Board (PAB) and the Environmental Advisory Board (EAB) together with a summary of the reasoning for the amendments.
- (b) Within 60 calendar days the PAB and the EAB shall transmit their recommendations on the proposed amendment to the County Council.
- (c) The County Council shall hold a public hearing on the proposed amendment. Notice of the date, time and place of the hearing shall be published at least 1 time in at least 2 newspapers published in the County at least 2 weeks prior to the hearing date. In addition, notice shall also be sent a minimum of 2 weeks prior to the hearing to all property owners whose land lies wholly or in part within the proposed amendment area for map amendments. At any time after the hearing, the Council must approve or deny these proposed amendments.
- (d) All amendments approved by the Council shall be forwarded to the Critical Area Commission within 30 calendar days of the Council's final action. No

amendment shall be considered final until approved by the State of Maryland
Critical Area Commission.

[O. Civil penalty for zoning violation.

(1) In addition to any other penalty applicable under state or County law, a person who violates a provision of the Maryland Natural Resources Article, Title 8 Subtitle 18, or this section, is subject to a fine not exceeding \$10,000.

(2) The Director of Planning may deliver a citation to a person believed to be committing a civil zoning violation. A copy of the citation shall be retained by the Director of Planning and shall bear a certification attesting to the truth of the matters set forth. The citation shall contain:

- (a) The name and address of the person charged;
- (b) The nature of the violation;
- (c) The place where and the time that the violation occurred;
- (d) The amount of the fine assessed;
- (e) The manner, location and time in which the fine may be paid; and
- (f) The person's right to elect to stand trial for the violation.

(3) A fine may be imposed for each violation. The County may establish a schedule of fines for each violation and may adopt procedures for collection of these fines. In determining the amount of the penalty to be assessed under Subsection O(1), the County may consider the following:

- (a) The gravity of the violation;
- (b) Any willfulness or negligence involved in the violation; and
- (c) The environmental impact of the violation.

(4) A person who receives a citation may elect to stand trial for the offense by filing with the Director of Planning a notice of intention to stand trial. The notice shall be given at least 5 calendar days before the date of payment as set forth in the citation. On receipt

of the notice of intention to stand trial, the Director of Planning shall forward to the District Court having venue, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for zoning violations shall be remitted to the County in which the zoning violation occurred.

(5) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address. If the citation is not satisfied within 15 calendar days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If, after 35 calendar days, the citation is not satisfied, the Director of Planning may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(6) Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(7) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23A, § 3(b)(8) through (15) of the Annotated Code of Maryland. The governing body of any county may authorize the County Attorney to prosecute a civil zoning violation.

(8) If a person is found by the District Court to have committed a civil zoning violation, the person shall be liable for the costs of the proceedings in the District Court.]

P. ENFORCEMENT.

(1) ANY DEVELOPMENT ACTIVITY UNDERTAKEN CONTRARY TO THE PROVISIONS OF THIS SECTION OR ANY DEVELOPMENT ACTIVITY UNDERTAKEN WITHOUT REQUIRED PERMITS OR APPROVALS

CONSTITUTES A VIOLATION OF THIS SECTION OF THE CODE.

(2) ENFORCEMENT ACTION SHALL BE TAKEN BY THE CODE
ENFORCEMENT OFFICER UPON THE DETERMINATION OF A VIOLATION
OF THIS SECTION.

(3) THE FOLLOWING PERSONS MAY EACH BE HELD JOINTLY OR
SEVERALLY RESPONSIBLE FOR A VIOLATION:

(A) PERSONS WHO APPLY FOR OR OBTAIN ANY PERMIT OR
APPROVAL;

(B) CONTRACTORS;

(C) SUBCONTRACTORS;

(D) PROPERTY OWNERS;

(E) MANAGING AGENTS; OR

(F) ANY PERSON WHO HAS COMMITTED, ASSISTED OR
PARTICIPATED IN THE VIOLATION.

(4) EACH VIOLATION THAT OCCURS AND EACH CALENDAR DAY THAT A
VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

(5) THE CODE ENFORCEMENT OFFICER SHALL ISSUE A NOTIFICATION
LETTER TO A PERSON BELIEVED TO BE COMMITTING A ZONING
VIOLATION. THE NOTIFICATION LETTER SHALL CONTAIN:

(A) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(B) THE NATURE OF THE VIOLATION, WITH REFERENCE TO THE
SECTION OF THE CODE VIOLATED;

(C) THE PLACE WHERE AND THE TIME THAT THE VIOLATION
OCCURRED;

(D) RESTORATION ORDER AND MITIGATION ORDER TO ABATE
WATER QUALITY AND HABITAT IMPACTS RESULTING FROM THE

1 VIOLATION; AND

2 (E) A TIMEFRAME FOR COMPLIANCE.

3 (6) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THE NOTIFICATION
4 LETTER WILL RESULT IN A FORMAL NOTICE OF VIOLATION BEING SENT
5 TO THE OWNER'S LAST KNOWN ADDRESS. IF THE VIOLATION IS NOT
6 SATISFIED WITHIN 15 CALENDAR DAYS FROM THE DATE OF THE
7 NOTICE, THE CODE ENFORCEMENT OFFICER MAY REQUEST
8 ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT AS A
9 CRIMINAL OFFENSE. THE DISTRICT COURT SHALL SCHEDULE THE
10 CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

11 (7) IN A PROCEEDING BEFORE THE DISTRICT COURT, THE VIOLATION
12 SHALL BE PROSECUTED IN THE SAME MANNER AND TO THE SAME
13 EXTENT AS SET FORTH FOR MUNICIPAL INFRACTIONS IN ARTICLE 23A,
14 § 3(B)(8) THROUGH (15) OF THE ANNOTATED CODE OF MARYLAND. THE
15 COUNTY ATTORNEY MAY PROSECUTE THE CASE.

16 (8) IN ADDITION TO ANY OTHER PENALTY APPLICABLE UNDER STATE OR
17 COUNTY LAW, EACH PERSON WHO VIOLATES A PROVISION OF THE
18 MARYLAND NATURAL RESOURCES ARTICLE, TITLE 8, SUBTITLE 18,
19 COMAR TITLE 27, OR THIS SECTION, IS SUBJECT TO A FINE NOT
20 EXCEEDING \$10,000 PER VIOLATION. THE COURT MAY IMPOSE A FINE
21 OF UP TO \$10,000 FOR EACH CALENDAR DAY OF A VIOLATION, AFTER
22 CONSIDERING:

23 (A) THE WILLFULNESS FOR THE VIOLATION;

24 (B) THE HARM TO THE ENVIRONMENT OR THE COMMUNITY IN
25 WHICH THE VIOLATION OCCURRED; AND

26 (C) THE COST TO THE COUNTY OF ENFORCING THE VIOLATION

CASE.

(9) PERMITS PURSUANT TO A VIOLATION. THE DEPARTMENT MAY NOT
ISSUE ANY PERMIT, APPROVAL, VARIANCE OR SPECIAL EXCEPTION,
UNLESS THE PERSON SEEKING THE PERMIT, APPROVAL, VARIANCE OR
SPECIAL EXCEPTION HAS:

(A) PREPARED A RESTORATION AND/OR MITIGATION PLAN,
APPROVED BY THE DEPARTMENT, TO ABATE IMPACTS TO
WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE
VIOLATION;

(B) PERFORMED THE ABATEMENT MEASURES IN THE APPROVED
PLAN IN ACCORDANCE WITH LOCAL CRITICAL AREA
REQUIREMENTS; AND

(C) UNLESS AN EXTENSION OF TIME IS APPROVED BY THE
DEPARTMENT BECAUSE OF ADVERSE PLANTING CONDITIONS,
WITHIN 90 DAYS OF THE ISSUANCE OF A PERMIT, APPROVAL,
VARIANCE OR SPECIAL EXCEPTION FOR THE AFFECTED
PROPERTY, COMPLETED ANY ADDITIONAL MITIGATION
REQUIRED AS A CONDITION OF APPROVAL FOR THE PERMIT,
APPROVAL, VARIANCE OR SPECIAL EXCEPTION.

(10) THE CODE ENFORCEMENT OFFICER MAY ISSUE A RESTORATION ORDER
TO ANY PERSON VIOLATING ~~THIS SECTION~~ THE CRITICAL AREA
PROGRAM COMPELLING THE VIOLATOR TO:

(A) REMOVE ANY CONSTRUCTION MATERIALS, EQUIPMENT, ANY
STRUCTURE OR OTHER CONSTRUCTION WORK OR
DEVELOPMENT ACTIVITY BUILT OR ERECTED IN VIOLATION OF
~~THIS SECTION~~ THE CRITICAL AREA PROGRAM;

(B) RESTORE ANY PROPERTY TO ITS CONDITION AS IT EXISTED
BEFORE ANY VIOLATION OF ~~THIS SECTION~~ THE CRITICAL AREA
PROGRAM; AND

(C) PERFORM ANY CONDITION OR OBLIGATION REQUIRED BY ~~THIS~~
~~SECTION~~ THE CRITICAL AREA PROGRAM OR BY ANY PERMIT,
APPROVAL, SPECIAL EXCEPTION OR VARIANCE.

(11) THE CODE ENFORCEMENT OFFICER SHALL ISSUE A MITIGATION ORDER
TO ANY PERSON WHO HAS BEEN CITED FOR A VIOLATION OF THE
CRITICAL AREA PROGRAM. MITIGATION IS REQUIRED FOR ALL
VIOLATIONS OF THE COUNTY'S CRITICAL AREA PROGRAM AND SHALL
BE IN ADDITION TO ANY REQUIRED ABATEMENT OR RESTORATION
ACTIVITIES.

Q. REASONABLE ACCOMMODATIONS FOR THE NEEDS OF DISABLED CITIZENS.

(1) AN APPLICANT SEEKING RELIEF FROM THE CRITICAL AREA
STANDARDS CONTAINED IN THIS ORDINANCE IN ORDER TO
ACCOMMODATE THE REASONABLE NEEDS OF DISABLED CITIZENS
SHALL HAVE THE BURDEN OF DEMONSTRATING THE FOLLOWING:

(A) THE EXISTENCE OF A PHYSICAL DISABILITY;

(B) LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS
ORDINANCE WOULD RESULT IN DISCRIMINATION BY VIRTUE OF
SUCH DISABILITY;

(C) A REASONABLE ACCOMMODATION WOULD REDUCE OR
ELIMINATE THE DISCRIMINATORY EFFECT OF THE PROVISIONS
OF THIS ORDINANCE;

(D) THE ACCOMMODATION REQUESTED WILL NOT SUBSTANTIALLY
IMPAIR THE PURPOSE, INTENT OR EFFECT OF THE PROVISIONS

1 OF THIS ORDINANCE AS APPLIED TO THE PROPERTY; AND

2 (E) ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE
3 ACCOMMODATION ARE THE MINIMUM NECESSARY TO ADDRESS
4 THE NEEDS RESULTING FROM THE PARTICULAR DISABILITY OF
5 THE APPLICANT.

6 (2) THE DIRECTOR OF PLANNING SHALL DETERMINE THE NATURE AND
7 SCOPE OF ANY ACCOMMODATION UNDER THIS ORDINANCE AND MAY
8 AWARD DIFFERENT OR OTHER RELIEF THAN REQUESTED AFTER
9 GIVING DUE REGARD TO THE PURPOSE, INTENT OR EFFECT OF THE
10 APPLICABLE PROVISIONS OF THIS ORDINANCE. THE DIRECTOR OF
11 PLANNING MAY ALSO CONSIDER THE SIZE, LOCATION AND TYPE OF
12 ACCOMMODATION PROPOSED AND WHETHER ALTERNATIVES EXIST
13 WHICH ACCOMMODATE THE NEED WITH LESS ADVERSE EFFECT.


14 (3) THE DIRECTOR OF PLANNING MAY REQUIRE, AS A CONDITION OF
15 APPROVAL, THAT UPON TERMINATION OF THE NEED FOR
16 ACCOMMODATION, THAT THE PROPERTY BE RESTORED TO COMPLY
17 WITH ALL APPLICABLE PROVISIONS OF THIS ORDINANCE.
18 APPROPRIATE BONDS MAY BE COLLECTED OR LIENS PLACED IN ORDER
19 TO ENSURE THE COUNTY'S ABILITY TO RESTORE THE PROPERTY
20 SHOULD THE APPLICANT FAIL TO DO SO.

21 R. THE CHESAPEAKE BAY CRITICAL AREA MANAGEMENT PROGRAM, AS
22 ENACTED BY BILL 01-36, ALONG WITH ALL MAPS AND APPENDICES, IS
23 INCORPORATED HEREIN BY REFERENCE AS THOUGH IT WERE FULLY STATED
24 HEREIN, AND THE CHESAPEAKE BAY CRITICAL AREA MANAGEMENT PROGRAM
25 IS HEREBY DECLARED TO BE PART OF THE OFFICIAL HARFORD COUNTY
26 MASTER PLAN.

- 1 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
2 it becomes law.

EFFECTIVE: May 23, 2011

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*



Acting Council Administrator

HARFORD COUNTY BILL NO. 11-05 As Amended

Brief Title Chesapeake Bay Critical Area Overlay District-Zoning Code

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mary Kate Herbig
Acting Council Administrator

Date March 15, 2011

ENROLLED

Billy Bonifera
Council President

Date March 15, 2011

BY THE COUNCIL

Read the third time.

Passed: LSD 11-09

Failed of Passage: _____

By Order

Mary Kate Herbig
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 16th day of March, 2011 at 3:00 p.m.

Mary Kate Herbig
Acting Council Administrator

BY THE EXECUTIVE

David R. Craig
COUNTY EXECUTIVE

APPROVED: Date March 22, 2011

BY THE COUNCIL

This Bill No. 11-05 As Amended, having been approved by the Executive and returned to the Council, becomes law on March 22, 2011.

EFFECTIVE DATE: May 23, 2011

Mary Kate Herbig
Mary Kate Herbig
Acting Council Administrator